

GENERAL INDEX.

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APPOINTMENTS.

- Addison, A., appointed a Justice of the Peace for Portsmouth, 127
 Archer, F., elected an Extraordinary Member of the Incorporated Law Society, 819
 Baker, H., elected President of the Hertfordshire Law Society, 11
 Baker, H. L., elected President of the Monmouthshire Incorporated Law Society, 11
 Barrett, R. H., elected President of the Berks, Bucks, and Oxfordshire Law Society, 700; elected an Extraordinary Member of the Incorporated Law Society, 819
 Barstow, W., elected President of the Halifax Incorporated Law Society, 11
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 Butler, F. G., elected President of the Cambridgeshire Law Society, 11
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 Cobbett, W., elected President of the Manchester Law Association, 700; elected an Extraordinary Member of the Incorporated Law Society, 819
 Cockburn, W. H., elected President of the Sussex Law Society, 11
 Colborne, T., elected President of the Monmouthshire Law Society, 700
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 Hughes, Col. E., M.P., elected President of the Kent Law Society, 563
 Hughes, J. A., elected President of the Chester and North Wales Incorporated Law Society, 700; elected an Extraordinary Member of the Incorporated Law Society, 819
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 Jackson, A. M., elected President of the Hull Incorporated Law Society, 11
 Jeffery, H. J., elected President of the Bradford Incorporated Law Society, 11
 Johnson, Thomas, elected President of the Lancaster Law Society, 11
 Lewis, L. W., elected President of the Birmingham Incorporated Law Society, 793; elected an Extraordinary Member of the Incorporated Law Society, 819
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 Watson, T. H., elected President of the Leicester Law Society, 11
 Watts, J. H., elected President of the Dewsbury Law Society, 794
 Whitehead, H. J., elected President of the Cambridgeshire Law Society, 700
 Whitehead, R. R., appointed Lecturer on Real Property and Conveyancing to the Incorporated Law Society, 632
 Wightman, A., elected President of the Sheffield District Incorporated Law Society, 700
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FOR THE SESSION

54 & 55 VICTORIA, 1891.

[STATUTES OF PRACTICAL IMPORTANCE RELATING TO ENGLAND AND WALES ONLY ARE
SET OUT AT LENGTH.]

"SOLICITORS' JOURNAL" OFFICE, 27, CHANCERY LANE, LONDON.

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STATUTES.

54 VICTORIA.

CHAPTER 1.

[Seed Potatoes Supply (Ireland) Act, 1890.]

An Act to provide for the Supply of Seed Potatoes to Occupiers and Cultivators of Land in Ireland.

[9th December 1890.]

CHAPTER 2.

[Transfer of Railways (Ireland) Act, 1890.]

An Act to authorise the Transfer of the Power of Promoters of Railway and Tramway Undertakings, under the Tramways (Ireland) Acts to certain existing Railway Companies, and for other purposes.

[9th December 1890.]

CHAPTER 3.

[Custody of Children Act, 1891.]

An Act to amend the Law relating to the Custody of Children.

[26th March, 1891.]

Be it enacted, &c.

1. *Power of Court as to production of child.* Where the parent of a child applies to the High Court or the Court of Session for a writ or order for the production of the child, and the Court is of opinion that the parent has abandoned or deserted the child, or that he has otherwise so conducted himself that the Court should refuse to enforce his right to the custody of the child, the Court may in its discretion decline to issue the writ or make the order.

2. *Power of Court to order repayment of costs of bringing up child.* If at the time of the application for a writ or order for the production of the child the child is being brought up by another person, or is boarded out by the guardians of a poor law union, or by a parochial board in Scotland, the Court may, in its discretion, if it orders the child to be given up to the parent, further order that the parent shall pay to such person, or to the guardians of such poor law union, or to such parochial board, the whole of the costs properly incurred in bringing up the child, or such portion thereof as shall seem to the Court to be just and reasonable, having regard to all the circumstances of the case.

3. *Court in making order to have regard to conduct of parent.* Where a parent has—

- (a) abandoned or deserted his child; or
- (b) allowed his child to be brought up by another person at that person's expense, or by the guardians of a poor law union, for such a length of time and under such circumstances as to satisfy the Court that the parent was unmindful of his parental duties;

the Court shall not make an order for the delivery of the child to the parent, unless the parent has satisfied the Court that, having regard to the welfare of the child, he is a fit person to have the custody of the child.

4. *Power to Court as to child's religious education.* Upon any application by the parent for the production or custody of a child, if the Court is of opinion that the parent ought not to have the custody of the child, and that the child is being brought up in a

different religion to that in which the parent has a legal right to require that the child should be brought up, the Court shall have power to make such order as it may think fit to secure that the child be brought up in the religion in which the parent has a legal right to require that the child should be brought up. Nothing in this Act contained shall interfere with or affect the power of the Court to consult the wishes of the child in considering what order ought to be made, or diminish the right which any child now possesses to the exercise of its own free choice.

5. *Definitions of "parent" and "person."* For the purposes of this Act the expression "parent" of a child includes any person at law liable to maintain such child or entitled to his custody, and "person" includes any school or institution.

6. *Short title.* This Act may be cited as the Custody of Children Act, 1891.

CHAPTER 4.

[Technical Instruction Act, 1891.]

An Act to amend the Law relating to Technical Instruction.

[26th March, 1891.]

Be it enacted, &c.:

1. *Explanation of powers of local authority as to technical instruction.* (1.) Subject to the conditions and restrictions contained in the Technical Instruction Act, 1889 [52 & 53 Vict. c. 76], a local authority may—

- (a.) Make such provision in aid of the technical or manual instruction for the time being supplied in a school or institution outside its district as may, in the opinion of the authority, be necessary for the requirements of the district in cases where similar provision cannot be so advantageously made by aiding a school or institution within its district; and
- (b.) Provide or assist in providing scholarships for or pay or assist in paying the fees of students ordinarily resident in the district of the local authority at schools or institutions within or outside that district.

(2.) In distributing the provision made in aid of technical or manual instruction, the local authority may consider all the circumstances of the case, and shall not be bound to distribute the provision so made exclusively in proportion to the nature and amount of efficient technical or manual instruction supplied by those schools or institutions respectively.

2. *Application of Balances.* Any moneys received by a county council under sub-section (1) (b) of section one of the Local Taxation (Customs and Excise) Act, 1890 [53 & 54 Vict. c. 60], and directed by resolution of the county council to be appropriated or to be set aside for the purposes of technical or manual instruction, shall, although not expended or specifically contributed or allotted in whole or in part before the end of the financial year, remain applicable for such purposes, and shall not be applied in manner provided by sub-section (2) and the following sub-sections of section twenty-three of the Local Government Act, 1888 [51 & 52 Vict. c. 41], until the county council shall have made an order for such application.

Where a council shall have referred to a committee the question of appropriating to purposes of technical or manual instruction any sum consisting of the whole or any part of such moneys, this sec-

tion, unless and until the council otherwise direct, shall, until the committee shall have made their report and the council shall have arrived at a decision thereon or the appointment of the committee shall have been rescinded, apply to such sum as if the same had been directed by the council to be appropriated to such purposes.

3. *Construction of 53 & 54 Vict. c. 60. s. 1.* The expression "technical education" in section one of the Local Taxation (Customs and Excise) Act, 1890, shall be deemed to include both technical and manual instruction within the meaning of the Technical Instruction Acts, 1889 and 1891.

4. *Short title and construction.* This Act may be cited as the Technical Instruction Act, 1891, and shall be construed as one with the Technical Instruction Act, 1889, and this Act and the Technical Instruction Act, 1889, may be cited together as the Technical Instruction Acts, 1889 and 1891.

CHAPTER 5.

[Army (Annual) Act, 1891.]

An Act to provide, during twelve months, for the Discipline and Regulation of the Army.

[26th March 1891.]

CHAPTER 6.

[Consolidated Fund (No. 1) Act, 1891.]

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March, one thousand eight hundred and ninety, one thousand eight hundred and ninety-one, and one thousand eight hundred and ninety-two.

[26th March 1891.]

CHAPTER 7.

[Seed Potatoes Supply (Ireland) Act, 1891.]

An Act to amend the Seed Potatoes Supply (Ireland) Act, 1890.

[26th March 1891.]

CHAPTER 8.

[Tithe Act, 1891.]

An Act to make better provision for the Recovery of Tithe Rentcharge in England and Wales.

[26th March, 1891.]

Be it enacted, &c.:

1. *Liability of owner to pay tithe rentcharge, and modification of contracts with tenants.* (1.) Tithe rentcharge as defined by this Act issuing out of any lands shall be payable by the owner of the lands, notwithstanding any contract between him and the occupier of such lands, and any contract made between an occupier and owner of lands, after the passing of this Act, for the payment of the tithe rentcharge by the occupier shall be void.

(2.) Where the occupier is liable under any contract made before the passing of this Act to pay the tithe rentcharge, then he shall cease to be bound by that part of his contract, but he shall be liable to pay to the owner such sum as the owner has properly paid on account of the tithe rentcharge which such occupier is liable under his said contract to pay, exclusive of any costs incurred or paid by the owner in respect of such tithe rentcharge, and every receipt

given for such sum shall state expressly that the sum is paid in respect of that tithe rentcharge: Provided that where the lands, out of which any tithe rentcharge issues, are occupied by several occupiers who have contracted to pay the tithe rentcharge, any of such occupiers shall be liable only to pay such proportion of the sum paid by the owner of the lands on account of that tithe rentcharge as the rateable value of the lands occupied by him bears to the rateable value of the whole of the lands occupied by such occupiers.

(3.) Such sum shall be recoverable from the occupier by distress in like manner as is provided by sections eighty-one and eighty-five of the Act of the session of the sixth and seventh years of the reign of King William the Fourth, chapter seventy-one, and the enactments amending those sections, and not otherwise.

2. Recovery of tithe rentcharge through County Court.] (1.) Where any sum due on account of tithe rentcharge issuing out of any lands is in arrear for not less than three months, the person entitled to such sum may, whatever is the amount, apply to the county court of the district in which the lands or any part thereof are situate, and the county court, after such service on the owner of the lands as may be prescribed, and after hearing such owner if he appears and desires to be heard, may order that the said sum, or such part thereof as appears to the court to be due, be, together with the costs, recovered in manner provided by this Act, and tithe rentcharge as defined by this Act shall not be recovered in any other manner.

(2.) Where it is shown to the court that the lands are occupied by the owner thereof, the order shall be executed by the appointment by the court of an officer who, subject to the direction of the court, shall have the like powers of distraint for the recovery of the sum ordered to be paid as are conferred by the Tithe Acts on the owner of a tithe rentcharge for the recovery of arrears of tithe rentcharge, and no greater or other powers; and if there is no sufficient distress the person entitled to the sum ordered to be recovered may proceed to obtain possession of the lands under section eighty-two of the Tithe Act, 1836 [6 & 7 Will. 4. c. 71].

(3.) In any other case the order shall be executed by the appointment by the court of a receiver of the rents and profits of the lands, and of any other lands which would be liable to be distrained upon for the tithe rentcharge to which the order refers under the provisions of section eighty-five of the Tithe Act, 1836, and where any of such lands are held at one rent together with other lands in another parish, the court shall apportion the rent between the said lands and the lands in the other parish in proportion to their rateable value, in which case the payment of such apportioned rent by the occupier to the receiver shall in every respect, as between the occupier and the owner of the lands, be deemed to be a payment on account of the total rent payable to the owner of such lands.

(4.) Subject to the prescribed regulations, the county court shall have the same powers over receivers as in any other case, and may confer on the person appointed receiver any powers which the court can confer upon persons appointed receivers, but the court shall not have power to order the sale of the lands.

(5.) Any sum ordered by the court under this section to be recovered shall be payable by a trustee in bankruptcy, sheriff, or officer of a court who is in possession of the lands, in like manner as if it were tithe rentcharge recoverable under the Tithe Acts.

(6.) Where the occupier of the lands out of which the tithe rentcharge issues is liable under any contract made before the passing of this Act to pay the tithe rentcharge, and is consequently liable by virtue of this Act to pay the amount thereof to the owner of the lands, the owner of the lands shall serve notice of such liability on the owner of the tithe rentcharge, and thereupon, before an order under this section is made, there shall be such service on the occupier in addition to the owner as may be prescribed, and a hearing of such occupier if he appears and desires to be heard. Any owner of the lands who fails to serve such notice as the aforesaid on the owner of the tithe rentcharge, shall not be entitled to recover from the occupier any sum which he has paid on account of tithe rentcharge as aforesaid, unless and until he has, after notice to the occupier of his application for the same, obtained from the county court a certificate

that there was good and sufficient cause for the failure to give such notice, and that the occupier has not been prejudiced thereby.

(7.) Rules under this Act may regulate the procedure practice and costs under this Act in county courts, and may direct what service shall be good service for the purposes of this Act on the owner or occupier of any lands or the owner of any tithe rentcharge, and may provide that, if the owner of any lands is not known, any proceeding under this Act may be taken against the owner of the lands without naming the person who is the owner.

(8.) The fees payable on the proceedings under this section shall not exceed those set forth in the schedule to this Act, and the fees, charges, and expenses in or incidental to any distress under this Act shall be the same as are for the time being payable under the Law of Distress Amendment Act, 1888 [51 & 52 Vict. c. 21].

(9.) Nothing in this Act shall impose or constitute any personal liability upon any occupier or owner of lands for the payment of any tithe rentcharge, or any other sum recoverable or payable under this Act, and the court shall not, by virtue of this Act, or of the County Courts Act, 1888 [51 & 52 Vict. c. 43], have any power to imprison any such occupier or owner by reason only of the non-payment of such tithe rentcharge or other sum, and shall in any other case have no other or greater powers of fine or imprisonment than are conferred by the County Courts Act, 1888.

3. Rules.] (1.) The Lord Chancellor may, after consultation with the Rule Committee of County Court judges, make rules for carrying this Act into effect, and for regulating, providing, and prescribing any matter authorised by this Act to be regulated, provided, or prescribed by rules under this Act. In framing such rules regard shall be had to making the procedure as simple and inexpensive as is practicable.

(2.) Every rule under this Act shall be laid before each House of Parliament within forty days next after it is made, if Parliament is then sitting, or, if not, within forty days after the commencement of the then next ensuing session, and if an address is presented to Her Majesty by either House of Parliament within the next subsequent forty days on which the said House shall have sat, praying that any such rule may be annulled, Her Majesty may, thereupon, by Order in Council, annul the same; and the rule so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same.

4. Lands occupied rent free, &c.] Where a receiver appointed under this Act of the rents and profits of any lands satisfies the county court that the lands are let on such terms as not to reserve a rent sufficient to enable the receiver to recover from the owner thereof the sum ordered to be recovered, the court, after such service on the owner and occupier of the lands as may be prescribed, and after hearing such owner and occupier if they appear and desire to be heard may direct that the order for such recovery shall be executed as if the occupier were the owner of the lands: Provided that any such occupier shall be entitled in addition to any other remedy, unless he would have been liable to pay the tithe rentcharge under any contract made before the passing of this Act, to deduct from any sums at any time becoming due from him to the landlord under whom he holds, any amount which shall have been recovered from him under this section in respect of tithe rentcharge or costs, with interest thereon at the rate of four per centum per annum: Provided further, that such occupier shall be entitled notwithstanding anything in this Act, to recover from such landlord by action at law any such amount which shall have been recovered from him under this section as aforesaid as money paid on the account of such landlord.

5. Restrictions as to costs.] (1.) An application to a county court for an order under this Act may be made on behalf of the tithe owner by his agent, although not a solicitor.

(2.) On any application to a county court for an order under this Act, no costs either of a solicitor or of a witness shall be allowed in any case where the amount claimed is paid without further proceedings, nor where notice of intention to apply for time to pay the tithe owner's claim has been given (except in cases where costs could be allowed by the Court on a

judgment summons), and when notice of opposition has been given within the prescribed time, the costs of a solicitor shall only be allowed for work done subsequent to the notice.

6. Rating of owner of tithe rentcharge.] (1.) Any rate to which tithe rentcharge is subject shall be assessed on, and may be recovered from the owner of the tithe rentcharge, in the like manner and by the like process as on and from any occupying ratepayer; and so much of any Act as authorises any rate on tithe rentcharge to be assessed on or recovered from the occupier of any lands out of which the tithe rentcharge issues is hereby repealed.

(2.) If the collector of the rate satisfies the county court that he is unable to recover in manner aforesaid any rate assessed on the owner of any tithe rentcharge, the court may, after such service on the owners of the tithe rentcharge, and of the lands out of which the tithe rentcharge issues, as may be prescribed, and after hearing such owners, if they appear and desire to be heard, order the owner of the lands to pay such tithe rentcharge to the collector until the amount of the rate, and any costs allowed by the court, are fully paid; and the order may be executed as if it were an order under this Act for the payment of a sum due on account of the tithe rentcharge.

(3.) The court may, if satisfied that the circumstances justify it, make such order as aforesaid in respect of any future rate, either generally or during the time limited by the order.

(4.) The expression "rate" in this section means a poor rate, highway rate, general district rate, borough rate, and every other rate assessed on an owner of tithe rentcharge by a public authority for public purposes; and the expression "collector" means the overseer, surveyor of highways, rate-collector, or other person authorised, for the time being, to collect the rate.

7. Power of appeal.] If any party in any action or matter under this Act shall be dissatisfied with the determination or direction of the judge of the county court in point of law or equity, or upon the admission or rejection of any evidence, the party aggrieved by the judgment, direction, decision, or order of the judge may appeal from the same to the High Court, in such manner and subject to such conditions as may be for the time being provided by the rules of the Supreme Court regulating the procedure on appeals from inferior courts to the High Court.

8. Remission of tithe rent charge when exceeding two-thirds annual value of land.] (1.) Where a sum is claimed on account of tithe rentcharge issuing out of any lands, and the county court is satisfied that if the sum claimed is paid, the total amount paid on account of the tithe rentcharge for the period of twelve months next preceding the day on which the sum claimed became payable, will exceed two-thirds of the annual value of the lands as ascertained and entered in the assessment for the purpose of Schedule B. to the Income Tax Act, 1853 [16 & 17 Vict. c. 34], or as certified as hereinafter mentioned, the court shall order the remission of so much, whether the whole or part of the sum claimed, as is equal to the excess, and the amount so ordered to be remitted shall not be recoverable; and if the court is satisfied that neither such remission, nor the liability thereto, has been taken into account in estimating the rateable value of the tithe rentcharge, the court may remit such amount of any then current rate assessed on the owner of the tithe rentcharge as appears to the court to be proportionate to the amount of the remission of tithe rentcharge.

(2.) Where the lands out of which any tithe rentcharge issues are assessed for the purposes of the said Schedule B. together with other lands, the surveyor of taxes for the parish in which the lands are so assessed, on the application of the owner or occupier of the lands, shall divide the annual value in such assessment between the lands out of which any tithe rentcharge issues and the other lands, and give notice of the annual value of the lands as determined on such division to the applicant and to the owner of the tithe rentcharge; and if either of them is dissatisfied with the annual value so determined, he may appeal to the general commissioners of income tax for the division in which the lands are assessed, and those commissioners, after due notice to and hearing the parties or their agents if any of them wishes to be so heard, shall finally determine the proper division of the annual value; and the

annual value of lands so determined as aforesaid shall, for the purposes of this section, be the annual value of the lands as ascertained for the purpose of the said Schedule B.

(3.) For the purposes of this section the owner of tithe rentcharge shall have the same right of appeal as the owner of lands, whether under the enactments relating to the said assessment or under this section.

(4.) If in any case the annual value of any lands is not ascertained and entered in the assessment for the purpose of the said Schedule B., the general commissioners of income tax for the division in which the lands are situate shall, on the application of the owner or occupier of the lands, ascertain the annual value of the lands for the purpose of the said Schedule B., and inform the applicant of the same.

(5.) The Commissioners of taxes shall on demand and payment of one shilling give a certificate of the amount of the annual value of any lands under this section.

(6.) Where it appears from any award that a special apportionment has been made in pursuance of section fifty-eight of the Tithe Act, 1836 [6 & 7 Will. 4. c. 71.], whereby tithe rentcharge has been charged specially upon certain closes of land in different proportions, and to the exclusion of certain of them, the court shall not grant a remission under this section unless satisfied that the applicant would have been entitled to such remission if no such special apportionment had been made.

(7.) Where two or more tithe rentcharges issue out of the same lands, and a remission of tithe rentcharge has been made by a county court under this section, the amount paid by the owner of the lands on account of tithe rentcharge shall be divided between the owners of such tithe rentcharges in proportion to the amount thereof as fixed by the apportionment or any altered apportionment.

(8.) This section shall not apply to any lands other than those used solely for agricultural or pastoral purposes or for the growth of timber or underwood.

9. *Definitions.* (1.) A reference in this Act to the "owner" of lands or tithe rentcharge,—

(a.) if the ownership of the lands or rentcharge is vested in the Queen in right of Her Crown, means the Commissioners of Woods, in substitution for the Queen; and

(b.) if the ownership of the lands or rentcharge is vested in the Duke of Cornwall, means the keeper of the records of the Duchy of Cornwall, in substitution for the Duke of Cornwall; and

(c.) in any other case, means the same officers or persons as are mentioned in the Tithe Act, 1836 [6 & 7 Will. 4. c. 71., ss. 12, 13.]

(2.) In this Act, unless the context otherwise requires,—

The expression "tithe rentcharge" means tithe rentcharge issuing out of lands and payable in pursuance of the Tithe Acts, and includes any rentcharge into which a corn rent has, either before or after the passing of this Act, been converted under the Tithe Act, 1860 [23 & 24 Vict. c. 93.], and which is subject to the like incidents as such tithe rentcharge as aforesaid; but does not include a rentcharge payable under the Extraordinary Tithe Redemption Act, 1886 [49 & 50 Vict. c. 54.], nor a rentcharge payable under the Tithe Act, 1860 [23 & 24 Vict. c. 93.], in respect of the tithes on any gated or stinted pasture, nor a sum or rate payable for each head of cattle or stock turned on land subject to common rights or held or enjoyed in common.

The expression "prescribed" means prescribed by rules under this Act.

10. *Commencement and application of Act and saving.* (1.) This Act shall extend to every sum on account of tithe rentcharge which first becomes payable on or after the half-yearly day of payment of such tithe rentcharge which occurs next after the passing of this Act, whether such sum accrued before or after that day, and shall not extend to sums due on account of tithe rentcharge which were in arrear before the passing of this Act, nor, except so far as relates to the assessment and recovery of rates, shall it extend to tithe rentcharge issuing out of the lands of a railway company.

(2.) A sum on account of tithe rentcharge shall not be recoverable under this Act unless proceedings for such recovery have been commenced before the expiration of two years from the date at which it became payable.

(3.) Nothing in this Act shall alter the priority of

any tithe rentcharge in relation to any other charge or incumbrance upon any lands.

(4.) Any enactment in the Tithe Acts or in the Extraordinary Tithe Redemption Act, 1886, directing any expenses, rentcharge, or other sums to be recovered as tithe rentcharge, shall, as respects any sum becoming due after the passing of this Act, be construed to refer to the recovery of tithe rentcharge under this Act, save that the owner of the lands shall not be entitled to obtain any remission under this Act.

11. *Repeal.* Section eighty-four of the Tithe Act, 1836, is hereby repealed.

12. *Extent of Act and short titles.* (1.) This Act shall not extend to Scotland or Ireland.

(2.) This Act may be cited as the Tithe Act, 1891.

(3.) The Act of the session of the sixth and seventh years of the reign of King William the Fourth, chapter seventy-one, intituled "An Act for the commutation of Tithes in England and Wales," is in this Act referred to and may be cited as the Tithe Act, 1836, and that Act and the enactments amending the same passed before the passing of this Act are in this Act referred to and may be cited as the Tithe Acts.

(4.) The Act of the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter ninety-three, intituled "An Act to amend and further extend the Acts for the commutation of Tithes in England and Wales," is in this Act referred to and may be cited as the Tithe Act, 1860.

(5.) The Act of the session of the sixteenth and seventeenth years of the reign of Her present Majesty, chapter thirty-four, intituled "An Act for granting to Her Majesty duties on profits arising from property, professions, trades, and offices," is in this Act referred to and may be cited as the Income Tax Act, 1853.

CHAPTER 9.

[*Registration of Certain Writs (Scotland) Act, 1891.*]

An Act to make provisions in regard to the Registration of certain Writs in the Divisions of the General Register of Sasines for Scotland.

[11th May 1891.]

CHAPTER 10.

[*Middlesex Registry Act, 1891.*]

An Act to make temporary Provision for the business of the Middlesex Registry of Deeds.

[11th May 1891.]

Be it enacted, &c.:

1. *Transfer of registrar's duties.* All powers by the Act of the seventh year of Queen Anne, chapter twenty, and the Acts amending it, vested or exercisable in or by the registrars or masters therein mentioned collectively, or in or by any of them individually, shall be transferred to and may be exercised by the registrar of the Land Registry, and rules may be made by the Lord Chancellor for carrying this Act into effect.

2. *Short titles.* This Act may be cited as the Middlesex Registry Act, 1891; and the Act of the seventh year of Queen Anne, chapter twenty, may be cited as the Middlesex Registry Act, 1780.

CHAPTER 11.

[*Electoral Disabilities Removal Act, 1891.*]

An Act to remove certain Disabilities of Persons by reason of absence to be registered as Voters at Parliamentary and Local Elections.

[11th May 1891.]

Be it enacted, &c.:

1. *Short title.* This Act may be cited as the Electoral Disabilities Removal Act, 1891.

2. *Temporary absence of person in performance of duty not to disqualify as elector.* A person shall not be disqualified from being registered—

(a.) in the parliamentary register of electors for a county or borough in respect of his inhabitant occupation of a dwelling-house or lodgings, or his occupation of any land or tenement; or

(b.) in the local government register of electors

for a county or borough in respect of his occupation of any house, warehouse, counting-house, shop, building, land, or tenement, by reason only that, during part of the qualifying period, not exceeding four months at any one time, he has, in the performance of any duty arising from or incidental to any office, service, or employment held or undertaken by him, been absent from his dwelling-house or lodgings, or not resided in or within the required distance from such county or borough.

CHAPTER 12.

[*Railway and Canal Traffic (Provisional Orders) Amendment Act, 1891.*]

An Act to remove doubts as to the Powers of Public Bodies in reference to Provisional Order Bills under the Railway and Canal Traffic Act, 1888.

[11th May 1891.]

Whereas by an Act of the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter ninety-one, intituled "An Act to authorise the application of funds of municipal corporations and other governing bodies in certain cases," [35 & 36 Vict. c. 91], hereinafter referred to as the Borough Funds Act, authority is given to the council of any municipal borough, the board of health, local board, commissioners, trustees, or other body acting under any general or local Act of Parliament for the management, improvement, cleansing, paving, lighting, and otherwise governing places or districts, to apply the borough fund or rate, or other the public funds or rates under the control of any such governing body, to the payment of the costs, charges, and expenses of promoting or opposing any local and personal Bill or Bills in Parliament:

And whereas by the Local Government Act, 1888 [51 & 52 Vict. c. 41], and the Local Government (Scotland) Act, 1889 [52 & 53 Vict. c. 50], the county council of an administrative county has the same powers of opposing Bills in Parliament as are conferred on the council of a municipal borough by the above recited Act of the thirty-fifth and thirty-sixth years of Victoria, chapter ninety-one.

And whereas by the Borough Funds (Ireland) Act, 1888 [51 & 52 Vict. c. 53], similar powers were conferred upon governing bodies in Ireland:

And whereas by the Railway and Canal Traffic Act, 1888 [51 & 52 Vict. c. 25], it was among other things, provided that if while any Bill to confirm a Provisional Order by the Board of Trade under section twenty-four of that Act is pending in either House of Parliament a petition be presented against the Bill, or any classification and schedule comprised therein, the Bill, so far as it relates to the matter petitioned against, should be referred to a select committee, or, if the two Houses of Parliament think fit so to order, to a joint committee of such Houses, and the petitioner should be allowed to appear and oppose as in the case of a private Bill; and further, it was by the said Act provided that the Act of Parliament confirming any Provisional Order made under that section should be a public general Act:

And whereas doubts have been entertained whether in view of the said enactment governing bodies as defined by the Borough Funds Act and the Borough Funds (Ireland) Act, 1888, respectively and county councils have power to apply the funds or rates under their control in opposing or subscribing towards the opposition of any Bill to confirm any Provisional Order made under section twenty-four of the Railway and Canal Traffic Act, 1888, and it is expedient that such doubts should be removed:

Be it therefore enacted, &c.:

1. *Powers of governing bodies and county councils with reference to Bills for confirming Provisional Orders made under 51 & 52 Vict. c. 25, s. 24.* Every governing body within the meaning of the Borough Funds Act or the Borough Funds (Ireland) Act, 1888, and every county council shall be entitled to be a petitioner and to appear and oppose any Bill to confirm any Provisional Order made under section twenty-four of the Railway and Canal Traffic Act, 1888, and to provide or contribute towards providing the expenses of the appearance or opposition of a petitioner out of the funds or rates under their respective control, as if the Bill for confirming such Provisional Order were a local or personal Bill within the mean-

ing of section two of the Borough Funds Act, or of section three of the Borough Funds (Ireland) Act, 1888; and the provisions of the said last-mentioned Acts respectively shall apply to any such appearance or opposition, and to any expenses incurred or to be incurred in relation thereto: Provided that in the case of a county council no consent of owners and ratepayers shall be required.

2. *Short title.*] This Act may be cited as the Railway and Canal Traffic (Provisional Orders) Amendment Act, 1891.

CHAPTER 13.

[*Taxes (Regulation of Remuneration) Act, 1891.*]

An Act to regulate the Remuneration payable to Clerks to Commissioners of Income Tax and Inhabited House Duties, and to Assessors and Collectors thereof.

[11th May 1891.]

Be it enacted, &c.:

1. *Abolition of poundage to clerks to Commissioners and assessors.*] The allowances and remuneration which a clerk to Commissioners of Income Tax and Inhabited House Duties and an assessor are entitled to receive by virtue of the Taxes Management Act, 1880 [43 & 44 Vict. c. 19], are hereby abolished as respects the year commencing on the sixth day of April one thousand eight hundred and ninety-one and any subsequent year.

2. *Allowance to clerks to Commissioners.*] The person holding the office of clerk to the Commissioners of Income Tax and Inhabited House Duties shall, in lieu of the allowances and remuneration which he would have received if this Act had not been passed, receive a sum not less than the amount paid to the clerk by way of poundage for the year which commenced on the 6th day of April one thousand eight hundred and ninety, and also a further sum not less than one third of the aggregate amount allowed to the clerk for expenses necessarily incurred in the due execution of the Acts relating to the Land Tax and Inhabited House Duties during the same year and the two preceding years.

3. *Allowance to assessors.*] The Assessor of Income Tax and Inhabited House Duties for any area of assessment shall, in lieu of the allowance which he would have received if this Act had not been passed, receive—

(a.) In respect of assessments of the duties under Schedules (D.) and (E.) of the Income Tax Act, the same amount as the amount of the allowance to the assessor for the year which commenced on the sixth day of April one thousand eight hundred and ninety, and also

(b.) In any year in which he acts as assessor of the duties under Schedules (A.) and (B.) of the Income Tax Act and of Inhabited House Duties, the same amount as the amount of the allowance to the assessor appointed for the year which commenced on the sixth day of April one thousand eight hundred and eighty-eight in respect of the assessments for those duties:

Provided that in the event of a change in any area of assessment the Commissioners of Income Tax and Inhabited House Duties for the division or district shall have power to adjust and apportion the amounts receivable under this section as they shall think fit.

4. *Allowance to collectors.*] The collector of Income Tax and Inhabited House Duties for any area of collection shall, in lieu of the allowance or allowances which he would or might have received if this Act had not been passed, receive for his services such remuneration, not being less than the amount of the allowance or allowances to the collector for the year which commenced on the sixth day of April one thousand eight hundred and ninety, as the Commissioners of Inland Revenue, with the approval of the Treasury, may direct, and the payment of such remuneration shall be made in such manner and under such regulations as the said Commissioners may prescribe.

Provided that, in the event of a change in any area of collection the Commissioners of Income Tax and Inhabited House Duties for the division or

district shall have power to adjust and apportion the amounts receivable under this section as they shall think fit.

5. *Amendment of 43 & 44 Vict. c. 19.*] The Taxes Management Act, 1880, shall be read, as respects the year commencing on the 6th day of April one thousand eight hundred and ninety-one and any subsequent year, as if the amount to be received by the clerk under this Act were substituted for all the allowances and remuneration in clause one in the First Schedule to that Act, and as if the amount to be received by the assessor or collector under this Act were substituted for the allowances specified in clauses two and three of the same schedule.

6. *Act not to affect 48 & 49 Vict. c. 51, s. 25.*] Nothing in this Act contained shall have any operation or effect in the case of an assessor appointed to act in a division or district where the Commissioners of Income Tax and Inhabited House Duties have fixed or shall hereafter fix the amount of the remuneration of assessor under section twenty-five of the Customs and Inland Revenue Act, 1885.

7. *Short title.*] This Act may be cited as the Taxes (Regulation of Remuneration) Act, 1891.

CHAPTER 14.

[*Supreme Court of Judicature (London Causes) Act, 1891.*]

An Act to provide for the Trial of Civil Causes in the City of London.

[11th May 1891.]

Be it enacted, &c.:

1. *Sittings may be held by judges in the City.*] Notwithstanding anything in the Courts of Justice Building Act, 1865 [28 & 29 Vict. c. 48], or any Order in Council thereunder contained, sittings may be held in the city of London by judges of the High Court under commissions issued for the trial of issues or inquiries in cases at nisi prius.

2. *Short title.*] This Act may be cited as the Supreme Court of Judicature (London Causes) Act, 1891.

CHAPTER 15.

[*Merchandise Marks Act, 1891.*]

An Act to amend the Merchandise Marks Act, 1887.

[11th May 1891.]

Be it enacted, &c.:

1. *Customs entry to be trade description.*] The customs entry relating to imported goods shall, for the purposes of the Merchandise Marks Act, 1887 [50 & 51 Vict. c. 28], be deemed to be a trade description applied to the goods.

2. *Official prosecutions.*] (1.) The Board of Trade may, with the concurrence of the Lord Chancellor, make regulations providing that in cases appearing to the Board to affect the general interests of the country, or of a section of the community, or of a trade, the prosecution of offences under the Merchandise Marks Act, 1887, shall be undertaken by the Board of Trade, and prescribing the conditions on which such prosecutions are to be so undertaken. The expenses of prosecutions so undertaken shall be paid out of moneys provided by Parliament.

(2.) All regulations made under this section shall be laid before Parliament within three weeks after they are made if Parliament is then sitting, and if Parliament is not then sitting, within three weeks after the beginning of the next session of Parliament, and shall be judicially noticed, and shall have effect as if enacted by this Act, and shall be published under the authority of Her Majesty's Stationery Office.

(3.) Nothing in this Act shall affect the power of any person or authority to undertake prosecutions otherwise than under the said regulations.

3. *Short Title.*] This Act may be cited as the Merchandise Marks Act, 1891, and the Merchandise Marks Act, 1887, and this Act may be cited together as the Merchandise Marks Acts, 1887 and 1891.

CHAPTER 16.

[*Army Schools Act, 1891.*]

An Act to extend to Army Schools the benefit of certain Educational Endowments.

[11th May 1891.]

CHAPTER 17.

[*Charitable Trusts (Recovery) Act, 1891.*]

An Act to facilitate the Recovery of Rent-charges and other Payments owing to Charities.

[11th May 1891.]

Be it enacted, &c.:

1. *Short title and construction.*] This Act, so far as is consistent with the tenor thereof, shall be construed together with the Charitable Trusts Acts, 1853 to 1869, and those Acts and this Act may be cited together as the Charitable Trusts Acts, 1853 to 1891, and this Act may be cited as the Charitable Trusts (Recovery) Act, 1891.

2. *Interpretation.*] In this Act, unless the context requires otherwise,—

The expression "the Board" means the Charity Commissioners for England and Wales:

The expression "prescribed" means prescribed by rules made under the provisions of this Act.

3. *Power to Board to sue for recovery of property belonging to charities.*] Where it appears to the Board that any action, petition, or other proceeding should be instituted for the recovery of any property, the gross annual income of which does not, in the opinion of the Board, exceed twenty pounds a year, and which appears to the Board to belong to a charity, the Board may itself, with the sanction of the Attorney General, institute such proceeding on behalf of the charity; and the expenses of the Board of and incidental to such action, petition, or proceeding shall be paid in like manner as if they were costs of the Attorney General in a charity manner.

4. *Mode of procedure by Board.*] (1.) When the Board is authorized to make any application to or appear in any court, or to institute any action, petition, or other proceeding, such application or appearance may be made, and such action, petition, or proceeding may be instituted, in the name of the Charity Commissioners for England and Wales, and not in the names of the persons who are the Commissioners.

(2.) Any action, petition, application, appearance, or other proceeding instituted or made by the Board shall not abate or become defective by reason of any change in the persons who are the Commissioners, but the Commissioners for the time being shall be deemed to be parties thereto.

(3.) For the purposes of any such action, petition, application, appearance, or other proceeding, any document may be served on the Board, by being addressed to the Board and delivered at or sent by post to the office of the Board, or by being served on the Secretary to the Board.

(4.) Any application by the Board to the Court in pursuance of this Act may be made in manner for the time being directed by rules of court.

5. *Special remedies given to Board—Old reports of Charity Commissioners to be evidence—Payment for twelve years to be presumptive evidence.*] For the purposes of any action, petition, or proceeding instituted by the Board under this Act the following provisions shall have effect:—

(1.) The printed reports of the Charity Commissioners appointed under an Act passed in the fifty-eighth year of the reign of His Majesty George the Third, and intitled "An Act for appointing Commissioners to inquire concerning charities in England for the education of the poor" [58 Geo. 3, c. 91], and under other Acts for inquiring into charities, shall be admissible as *prima facie* evidence of the documents and facts therein stated; provided that either party intending to use any such report as evidence shall give notice of such intention in the prescribed manner to the other party:

(2.) Where any yearly or other periodical payment has been made in respect of any land, to or for the benefit of any charity or

charitable purpose, for twelve consecutive years, such payment shall be deemed, subject to any evidence which may be given to the contrary, *prima facie* evidence of the perpetual liability of such land to such yearly or other periodical payment, and no proof of the origin of such payment shall be necessary.

6. *Rules.*] Rules for practice and procedure under this Act, including fees and costs, whether in the Supreme Court of Judicature or in the county court, may from time to time be made by the authority, and in the manner by and in which rules may be made for regulating the practice and procedure in such Supreme Court or county court, as the case may be.

7. *Extent of Act.*] This Act shall not extend to Scotland or Ireland.

CHAPTER 18.

[Registration of Electors Act, 1891.]

An Act for the removal of Doubts arising under the Registration of Electors Acts.

[11th June 1891.]

Whereas under section thirty of the Parliamentary and Municipal Registration Act, 1878, one half of the expenses and receipts under the Registration of Electors Acts in respect of an area common to a parliamentary borough and a municipal borough are defrayed and applied in accordance with the Parliamentary Registration Acts, and one half are paid out of and to the borough fund:

And whereas by section four of the County Electors Act, 1888, the said Act, together with other Registration of Electors Acts, is applied to a parish not situate in a municipal borough, with the substitution of "parish" for "municipal borough":

And whereas doubts have arisen whether, having regard to the provisions of section eight of the said Act, the provisions of section thirty of the Parliamentary and Municipal Registration Act, 1878, were applied by virtue of the above-recited enactment, and it is expedient to remove such doubts:

Be it therefore enacted, &c.:

1. *Short title and construction.*] This Act may be cited as the Registration of Electors Act, 1891, and shall be construed as one with the Registration of Electors Acts, 1843 to 1888, which Acts, together with this Act, may be cited as the Registration of Electors Acts, 1843 to 1891.

2. *Application of 41 & 42 Vict. c. 26, s. 30, to expenses in a parish situate in a parliamentary and not in a municipal borough.*] Where a parish is situate in a parliamentary but not in a municipal borough, one half of the expenses and receipts under the Registration Acts, 1843 to 1888, in respect of such parish shall, as from the passing of the County Electors Act, 1888, be defrayed out of and paid to the county fund, and the other half of such expenses shall be defrayed out of and paid to the rate raised in such parish for the relief of the poor. The revising barrister shall as part of the business of revision, if necessary, determine what expenses and receipts are incurred or arise or have been incurred or have arisen under the said Acts in respect of such parish.

CHAPTER 19.

[Seal Fishery (Behring's Sea) Act, 1891.]

An Act to enable Her Majesty, by Order in Council, to make Special Provision for prohibiting the Catching of Seals in Behring's Sea by Her Majesty's Subjects during the Period named in the Order.

[11th June 1891.]

Be it enacted, &c.:

1. *Power to prohibit by Order in Council the hunting of seals in Behring's Sea.*] (1.) Her Majesty the Queen may, by Order in Council, prohibit the catching of seals by British ships in Behring's Sea, or such part thereof as is defined by the said Order, during the period limited by the Order.

(2.) While an Order in Council under this Act is in force—

(a.) A person belonging to a British ship shall not kill, or take, or hunt, or attempt to kill

or take, any seal within Behring's Sea during the period limited by the Order; and

(b.) A British ship shall not, nor shall any of the equipment or crew thereof, be used or employed in such killing, taking, hunting, or attempt.

(3.) If there is any contravention of this Act, any person committing, procuring, aiding, or abetting such contravention shall be guilty of a misdemeanour within the meaning of the Merchant Shipping Act, 1854 [17 & 18 Vict. c. 104], and the ship and her equipment, and everything on board thereof shall be forfeited to Her Majesty as if an offence had been committed under section one hundred and three of the said Act, and the provisions of sections one hundred and three and one hundred and four, and Part Ten of the said Act (which are set out in the Schedule to this Act) shall apply as if they were herein re-enacted, and in terms made applicable to an offence and forfeiture under this Act.

(4.) Any commissioned officer on full pay in the naval service of Her Majesty shall have power, during the period limited by the Order, to stop and examine any British ship in Behring's Sea, and to detain her, or any portion of her equipment, or any of her crew, if in his judgment the ship is being or is preparing to be used or employed in contravention of this section.

(5.) If a British ship is found within Behring's Sea having on board thereof fishing or shooting implements or seal skins or bodies of seals, it shall lie on the owner or master of such ship to prove that the ship was not used or employed in contravention of this Act.

2. *Orders in Council.*] (1.) Her Majesty the Queen in Council may make, revoke, and alter Orders for the purposes of this Act, and every such Order shall be forthwith laid before both Houses of Parliament and published in the London Gazette.

(2.) Any such Order may contain any limitations, conditions, qualifications, and exceptions which appear to Her Majesty in Council expedient for carrying into effect the object of this Act.

3. *Application and construction of Act and short title.*] (1.) This Act shall apply to the animal known as the fur seal, and to any marine animal specified in that behalf by an Order in Council under this Act, and the expression "seal" in this Act shall be construed accordingly.

(2.) The expression "Behring's Sea" in this Act means the seas known as Behring's Sea within the limits described in an Order under this Act.

(3.) The expression "equipment" in this Act includes any boat, tackle, fishing or shooting instruments, and other things belonging to the ship.

(4.) This Act may be cited as the Seal Fishery (Behring's Sea) Act, 1891.

SCHEDULE.

ENACTMENTS OF MERCHANT SHIPPING ACT (17 & 18 VICT. c. 104) APPLIED.

SECTION 103.

And in order that the above provisions as to forfeitures may be carried into effect, it shall be lawful for any commissioned officer on full pay in the military or naval service of Her Majesty, or any British officer of Customs, or any British Consular officer, to seize and detain any ship which has, either wholly or as to any share therein, become subject to forfeiture as aforesaid, and to bring her for adjudication before the High Court of Admiralty in England or Ireland, or any court having Admiralty jurisdiction in Her Majesty's dominions; and such court may thereupon make such order in the case as it may think fit, and may award to the officer bringing in the same for adjudication such portion of the proceeds of the sale of any forfeited ship or share as it may think right.

SECTION 104.

(The whole.)

PART X.—LEGAL PROCEDURE.

(The whole.)

CHAPTER 20.

[Pollen Fisheries (Ireland) Act, 1891.]

An Act for the better Preservation of the Pollen Fisheries in Ireland.

[3rd July 1891.]

CHAPTER 21.

[Savings Banks Act, 1891.]

An Act to amend the Law relating to Savings Banks.

[3rd July 1891.]

Be it enacted, &c.:

1. *Description of trustee savings banks.*] (1.) A trustee savings bank may not be designated or described in any manner which imports that the Government is responsible or liable to depositors for money placed in the safe keeping of the bank, and may not bear any title other than that of "savings bank certified under the Act of 1863," with such additional local description, if any, as may be required for the sake of distinctiveness.

(2.) If default is made in compliance with the requirements of this section in the case of any trustee savings bank, the provisions of section fifty-five of the Trustee Savings Banks Act, 1863 [26 & 27 Vict. c. 87], shall apply as in the case of neglect or refusal to obey any orders or directions given by the National Debt Commissioners.

2. *Establishment of Inspection Committee.*] (1.) There shall be established an Inspection Committee of trustee savings banks.

(2.) The persons named in the First Schedule to this Act shall, with the approval of the National Debt Commissioners, frame a scheme for the appointment of the Committee, and for determining the mode in which the members of the Committee are to be appointed and their term of office, and, subject to the provisions of this Act, their powers, procedure, and duties. The persons so named may act by a majority of their number, and may signify their acts by an instrument in writing signed by any two of them.

(3.) A paid officer of a trustee savings bank shall not be eligible to be a member of the Committee.

(4.) The Committee may, with the approval of the National Debt Commissioners, modify a scheme framed under this section.

(5.) The Committee may, with the approval of the Treasury, appoint such officers as may appear to be required for the execution of the duties of the Committee under this Act.

(6.) The members of the Committee shall be entitled to such remuneration by way of fees or otherwise as may be approved by the Treasury.

(7.) Every scheme made in pursuance of this section and every modification thereof shall be laid before both Houses of Parliament.

3. *Powers and duties of Inspection Committee.*] (1.) The Inspection Committee may appoint persons to inspect the books and accounts of trustee savings banks, and to examine and ascertain and report to the Committee from time to time with respect to each bank, whether the bank has complied with the requirements of the Acts and rules relating to the bank as to the security to be taken from officers, the accounts of the bank and the conduct of its business, and whether any portion of the expenditure is excessive or unnecessary; and every trustee savings bank shall give all due facilities for enabling any such inspection or examination to be made.

(2.) If on the report of any such person it appears to the Committee that any trustee savings bank has made default in giving such facilities or complying with any of the requirements aforesaid, or that any portion of the expenditure of the bank is excessive or unnecessary the Committee shall call upon the bank to remedy the default, or, as the case may be, to reduce the expenditure, within a specified time, and if the default is not remedied or the expenditure is not reduced within that time the Committee shall report the matter to the National Debt Commissioners.

(3.) Thereupon the National Debt Commissioners may in their discretion either close the account of the trustees of the bank, in which case the provisions of section fifty-five of the Trustee Savings Banks Act, 1863 [26 & 27 Vict. c. 87], shall apply as in the case of neglect or refusal to obey any orders or directions given by the Commissioners, or report the matter to the Treasury with a view of action being taken under section two of the Trustee Savings Banks Act, 1887 [50 & 51 Vict. c. 47], or adopt both of these courses.

(4.) The trustees of every trustee savings bank shall, on the requisition of the Committee, supply

the Committee with a copy of the pass book in use in the bank, of the annual general statement of the accounts of the bank, and of the rules of the bank, and of any amendments thereof.

(5.) If in the opinion of the Committee the rules of any such bank are insufficient for the purpose of maintaining an efficient audit, the bank shall with all convenient speed make such additional rules as may, in the opinion of the Committee, be required for the purpose.

(6.) If the bank do not, within a time specified by the Committee from the date of being required to make any such rules, comply with the requirement, the Committee may make such rules, and shall submit the rules so made to the registrar of friendly societies, to be certified by him; and, when so certified, they shall be binding on the trustees.

(7.) The Committee shall annually report their proceedings under this Act to the National Debt Commissioners, and this report shall be laid before Parliament.

(8.) The Committee may, with the approval of the National Debt Commissioners, make rules for regulating the duties of persons appointed by the Committee under this section.

(9.) The Committee may act by a majority of the members present and voting at any meeting of the Committee, and may signify their acts by an instrument in writing signed by any two of the members of the Committee, and an act of the Committee shall not be invalid by reason only of any vacancy in their number.

4. Expenses of Inspection Committee.] (1.) Such of the expenses (including the remuneration of members and officers) incidental to the exercise by the Inspection Committee of their powers under this Act as may be sanctioned by the Treasury on the recommendation of the National Debt Commissioners may, to an extent not exceeding six thousand pounds in any one year, be paid out of the interest earned in that year by the National Debt Commissioners in respect of the separate surplus fund which has accrued under section twenty-nine of the Savings Banks Act, 1863, and which does not carry interest to the trustees of savings banks.

(2.) If in any year the amount available under the foregoing provision is insufficient for payment of the expenses so sanctioned the deficiency shall, in accordance with a scheme made by the Committee, with the approval of the National Debt Commissioners, be defrayed out of contributions from the several trustee savings banks. The amount to be contributed by each trustee savings bank shall not exceed threepence per one hundred pounds on the amount of the funds appearing by the last annual statement of the bank to be invested on behalf of the bank and in respect of money invested in the names of the National Debt Commissioners may be deducted by those Commissioners from the interest payable to the trustees of the bank on the money so invested, and in respect of money otherwise invested shall be paid by the trustees of the bank on the requisition of the said Commissioners.

5. Powers of National Debt Commissioners to determine certain questions as to savings banks.] (1.) If, on any report by the Inspection Committee, any question arises as to what constitute the necessary expenses attending the management of a trustee savings bank within the meaning of section two of the Trustee Savings Banks Act, 1863, whether involving the withdrawal of any portion of the separate surplus fund, in pursuance of section 29 of the said Act, or not, the decision of the National Debt Commissioners on the question shall be conclusive.

(2.) No application to the National Debt Commissioners for a payment from the separate surplus fund standing at the credit of any savings bank shall be entertained unless it have the previous sanction of the Inspection Committee.

6. Amendment of law as to closing trustee savings bank.] (1.) Notwithstanding anything in section three of the Act of the session of the twenty-sixth and twenty-seventh years of the reign of Her present Majesty, chapter fourteen, intitled "An Act to amend the law relating to Post Office Savings Banks," it shall not be necessary for the trustees of a trustee savings bank to pay off, either in money or by transfer to a post office savings bank, three

fourths of their depositors amount before closing the bank, but they shall not close the bank before the expiration of one month from the giving of the notice required by that section.

(2.) Where the trustees of a trustee savings bank propose to close the bank they shall give to depositors such notice as the National Debt Commissioners may require of the facilities afforded by law to depositors for transferring their deposits to a post office savings bank.

7. Office of trustee to be vacated for non-attendance at meetings.] (1.) If a trustee of a trustee savings bank is absent from all the meetings of the trustees and of the committee of management (if any) held during any period of twelve months ending the twentieth day of November, and has not during that period performed any of the duties imposed on trustees and managers by the paragraph numbered (2) of section six of the Savings Banks Act, 1863, his office as trustee shall at the end of that period become vacant, and he shall not, unless he has before the end of that period explained to the satisfaction of the Inspection Committee his absence or the non-performance of his duties, be eligible for re-appointment until the expiration of one year from the end of that period, and until he is re-appointed his name shall not be allowed to continue in the list of trustees, but the vacation of his office shall not affect any liability which he may have incurred as trustee before the date at which he vacates his office.

(2.) Where a vacancy occurs in pursuance of this section the trustees of the savings bank shall forthwith send notice of the vacancy to the National Debt Commissioners and to the Committee of Inspection.

8. Form of annual statement by trustees of trustee savings banks.] The annual statement required by section fifty-five of the Trustee Savings Banks Act, 1863, to be made by the trustees and managers of every trustee savings bank shall be in such form and contain or be accompanied by such particulars as the National Debt Commissioners direct. A similar statement shall be sent to the inspection committee each year at the same time.

9. Amendment of 26 & 27 Vict. c. 87, s. 8.] The security to be given in pursuance of section eight of the Trustee Savings Banks Act, 1863, may either be in the form required by that section or, with the permission of the National Debt Commissioners, be the deposit of money or Government securities or the bond of a guarantee society.

10. Provisions as to special investments.] The power of a trustee savings bank to make investments (herein-after referred to as special investments) in pursuance of section sixteen of the Trustee Savings Banks Act, 1863, shall be subject to the following restrictions, namely:—

(a.) An investment shall not be made after the commencement of this Act on behalf of any person unless he is at the time of making the investment a depositor in the bank to the extent of not less than fifty pounds: Provided that nothing in this sub-section shall prevent the continuance of special investments in behalf of any person who is before the passing of this Act a depositor under section sixteen of the Trustee Savings Banks Act, 1863;

(b.) The total amount to be invested after the commencement of this Act on behalf of any one depositor shall not exceed five hundred pounds in the aggregate;

(c.) The money received for investment after the commencement of this Act shall not be invested in any manner not for the time being authorized by law in the case of investment by trustees, and shall not be invested on mortgage of land or any interest in land;

(d.) The accounts of the bank shall be kept so as to distinguish between the receipts and expenditure on account of special investments and the receipts and expenditure on account of the general business of the bank;

(e.) The assets of the bank in respect of ordinary deposits shall not be chargeable with any part of the expenditure on account of special investments, and shall not be liable for any loss or deficiency in respect of special investments;

(f.) The security required by section eight of the Trustee Savings Banks Act, 1863, as amended by this Act, shall comprise separate security in respect of the amount received on account of special investments;

(g.) The annual statement required by section fifty-five of the Trustee Savings Bank Act, 1863, shall contain, or be accompanied by, such particulars with respect to the special investments of the bank as the National Debt Commissioners direct;

(h.) The rules of the bank shall provide to the satisfaction of the inspection committee for the audit, examination, and publication of the investment accounts, for the safe custody of the securities held by the bank on account of special investments, and the security to be given by officers of the bank in respect of the amount received on such account;

(i.) The power to make special investments shall not be exercised by any bank unless the bank has exercised the power before the first day of June one thousand eight hundred and ninety-one.

11. Amendment of law as to limit of deposit and interest on deposit.] Whereas it is not lawful for the trustees of a savings bank or for the Postmaster-General to receive from any depositor any sum which shall make the sum to which such depositor shall be entitled exceed the sum of one hundred and fifty pounds in the whole exclusive of interest, but the sum standing in the name of any depositor may be increased by accumulations of interest to any sum not exceeding two hundred pounds in the whole, and difficulties have arisen in the due apportionment between principal and interest of sums standing to the credit of depositors in excess of one hundred and fifty pounds; be it therefore enacted as follows:

(1.) A savings bank shall not receive any deposit which makes the sum standing in the name of any depositor in the bank exceed two hundred pounds.

(2.) So much of any enactment as prohibits the receipt from any depositor of any sum of money which makes the sum to which he is entitled exceed the sum of one hundred and fifty pounds in the whole, exclusive of interest, is hereby repealed.

(3.) Interest shall be allowed in full on the sum standing in the name of a depositor in a savings bank so long as it does not exceed two hundred pounds, but whenever the sum standing in the name of any depositor in any savings bank exceeds that amount, interest shall not be allowed on any sum in excess of two hundred pounds.

(4.) Notwithstanding any restriction on the amount to be deposited in any one year, a depositor in a savings bank may, not more than once in any savings bank year, deposit money to replace money previously withdrawn in one entire sum during that year. For the purposes of this provision the expression "savings bank year" means, with reference to trustee savings banks, the year ending the twentieth day of November, and with reference to the Post Office savings banks, the year ending the thirty-first day of December.

12. Forfeiture of illegal deposits.] (1.) If any person at any time has a deposit in more than one savings bank in the United Kingdom, or has deposits standing to the credit of more than one account in the same savings bank in the United Kingdom, he shall be liable to forfeit any amount illegally deposited, either as to the whole thereof, or to such extent as in the case of deposits to the credit of more than one account in a post office savings bank, the Postmaster-General, and in any other case the National Debt Commissioners may think just in the circumstances of the case, and any money so forfeited shall be paid to the National Debt Commissioners and applied to the reduction of the National Debt.

Provided as follows:—

(a.) Where a trustee savings bank has suspended payment, nothing in the Trustee Savings Banks Act, 1863, or in this Act, shall prevent a depositor in that bank from subsequently

opening or having an account in any other savings bank;

(8.) Nothing in this section or in any other enactment relating to savings banks shall prevent a friendly society from having deposits in more than one savings bank in the United Kingdom, or from having deposits standing to the credit of more than one account in the same savings bank in the United Kingdom and a person making a deposit in a savings bank on behalf of a friendly society shall not be bound to make a declaration to the effect that the society is not entitled to any benefit from deposits in that or any other savings bank.

(2.) Regulations made by the Treasury and the Postmaster General respectively, under the Savings Banks Act, 1887, may provide for the addition of one or more names to an account already in a savings bank, and may provide that the addition of such names shall not be deemed to be the opening of a new account in the bank.

13. *Provision as to priority of debts due to trustee savings banks by their officers.* Nothing in section forty of the Bankruptcy Act, 1883, shall affect the priority given by section fourteen of the Trustee Savings Banks Act, 1863, to the debts mentioned in that section.

14. *Amendment of 43 & 44 Vict. c. 36, s. 1.* Section one of the Savings Banks Act, 1883, shall so far as it relates to any valuation to be made thereunder after the commencement of this Act, have effect as if for the words "three and a quarter per cent. per annum" (wherever they occur therein) were substituted the words "two and three quarters per cent. per annum, or such other rate of interest as may from time to time be paid by the National Debt Commissioners under authority of Parliament to the trustees of trustee savings banks."

15. *Amendment of 37 & 38 Vict. c. 73, s. 2, and 40 & 41 Vict. c. 13, s. 17.* Section three of the Post Office Savings Banks Act, 1874, and section seventeen of the Customs Inland Revenue and Savings Banks Act, 1877 (which relate to the presentation of accounts to Parliament) shall have effect as if the last day of July were therein substituted for the last day of April.

16. *Definitions.* In this Act—

The expression "trustee savings bank" means a bank certified under the Trustee Savings Banks Act, 1863.

The expression "savings bank" (without the word trustee) includes both a trustee savings bank and a post office savings bank.

The expression "friendly society" means a friendly society legally registered in the manner required by the Acts for the time being in force relating to friendly societies and includes a registered branch.

17. *Extent of Act.* This Act shall extend to the Channel Islands and the Isle of Man, and the Royal Courts of the Channel Islands shall register the same.

18. *Repeal.* The enactments specified in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

19. *Short titles.* (1.) This Act may be cited as the Savings Banks Act, 1891.

(2.) The Trustee Savings Banks Acts, 1863 and 1887, and so much of the Savings Banks Act, 1887, as relates to trustee savings banks, and this Act, may be cited collectively as the Trustee Savings Banks Acts, 1863 to 1891.

(3.) The Post Office Savings Banks Act, 1861 to 1887, and so much of this Act as relates to the Post Office Savings Bank, may be cited collectively as the Post Office Savings Bank Acts, 1861 to 1891.

SCHEDULES. FIRST SCHEDULE.

[Section 2.]
HON. E. LUTPUL STANLEY.
LORD FRANCIS HERVEY, M.P.
SIR ALBERT ROLLIE, M.P.
MR. JOHN ELLIS, M.P.

MR. T. C. WHIGHT, of Lincoln's Inn, Barrister-at-Law, a trustee of the Bloomsbury Trustee Savings Bank.

MR. JOHN URR, Lord Dean of Guild, Glasgow, a trustee of the Glasgow Trustee Savings Bank.
MR. HENRY COURT, late Assistant Comptroller of the National Debt Office.

SECOND SCHEDULE. ENACTMENTS REPEALED.

[Section 18.]

Session and Chapter.	Title or Short Title.	Extent of Repeal.
9 Geo. 4, c. 92	An Act to consolidate and amend the laws relating to savings banks.	Section thirty-five, from "nor to receive" to the end of the section.
26 & 27 Vict. c. 14	An Act to amend the law relating to Post Office Savings Banks.	In section three the words "and shall have paid off three fourths of their depositors' amount either in money or by transfer to a post office savings bank"
26 & 27 Vict. c. 87	The Trustee Savings Banks Act, 1863	Section thirty-eight, from "and in case any such declaration" to "money placed to the said account."
30 & 31 Vict. c. 40	The Savings Banks Act, 1887	Section thirty-nine, from "nor to receive" to "interest as aforesaid," and from "always that except" to "provided also."
50 & 51 Vict. c. 40	The Savings Banks Act, 1887	Section one, from "and shall provide for the forfeiture" to the end of the section.

CHAPTER 22.

[Museums and Gymnasiums Act, 1891.]

An Act to enable Urban Authorities to provide and maintain Museums and Gymnasiums.

[3rd July 1891.]

Be it enacted, &c.:

1. *Short title.* This Act may be cited as the Museums and Gymnasiums Act, 1891.

2. *Extent of Act.* (1.) This Act shall extend to any district where the same is adopted as hereinafter provided, but only so far as the adoption extends.

(2.) This Act shall not extend to Scotland or the administrative county of London.

3. *Adoption of Act.* (1.) This Act may be adopted by any urban authority for their district either wholly or so far as it relates to museums only or to gymnasiums only.

(2.) The adoption shall be by a resolution passed at a meeting of the urban authority, and one month at least before such meeting special notice of the meeting and of the intention to propose such resolution shall be given to every member of the authority, and the notice shall be deemed to have been duly given to a member of it, if it is either—

(a.) Given in the mode in which notices to attend meetings of the authority are usually given; or

(b.) Where there is no such mode, then signed by the clerk of the authority, and delivered to the member or left at his usual or last known place of abode in England, or forwarded by post in a prepaid letter, addressed to the member at his usual or last known place of abode in England.

(3.) Such resolution shall be published by advertisement in some one or more newspapers circulating within the district of the authority, and by causing notice thereof to be affixed to the principal doors of every church and chapel in the place to which

notices are usually fixed, and otherwise in such manner as the authority think sufficient for giving notice thereof to all persons interested, and shall come into operation at a time not less than one month after the first publication of the advertisement of the resolution as the authority may by the resolution fix, and upon its coming into operation the Act shall extend to that district.

(4.) A copy of the resolution shall be sent to the Local Government Board.

(5.) A copy of the advertisement shall be conclusive evidence of the resolution having been passed, unless the contrary be shown; and no objection to the effect of the resolution, on the ground that notice of the intention to propose the same was not duly given, or on the ground that the resolution was not sufficiently published, shall be made after three months from the date of the first advertisement.

4. *Power to provide museum and gymnasium.* An urban authority may provide and maintain museums for the reception of local antiquities or other objects of interest, and gymnasiums with all the apparatus ordinarily used therewith, and may erect any buildings, and generally do all things necessary for the provision and maintenance of such museums and gymnasiums.

5. *Admission to museum.* A museum provided under this Act shall be open to the public not less than three days in every week free of charge, but subject thereto an urban authority may admit any person or class of persons thereto as they think fit, and may charge fees for such admission, or may grant the use of the same or of any room therein, either gratuitously or for payment, to any person for any lecture or exhibition, or for any purpose of education or instruction, and the admission to the museum or room the use of which is so granted may be either with or without payment as directed by the urban authority, or with the consent of the urban authority by the person to whom the use of the museum or room is granted.

6. *Admission to gymnasium.* (1.) A gymnasium provided under this Act shall be open to the public free of charge for not less than two hours a day during five days in every week.

(2.) Subject thereto the urban authority—

(a.) may regulate the admission of the public to such gymnasium, either by classes or otherwise as they think fit, and may charge fees for such admission; and

(b.) may, for not more than two hours in each day, grant the exclusive use thereof to any person or body of persons for the purpose of gymnastic exercises, for such payment and on such terms and conditions as they think fit.

(3.) An urban authority may (for not more than twenty-four days in one year nor more than six consecutive days) close the gymnasium for use as a gymnasium, and grant the use of the same gratuitously or for payment to any person for the purpose of any lecture, exhibition, public meeting, entertainment, or other public purpose, and the admission on such days shall be either with or without payment as directed by the urban authority, or with the consent of the urban authority by the person to whom the use of the same is granted.

7. *Regulations and byelaws.* (1.) An urban authority may make regulations for all or any of the following matters, namely:—

(a.) For fixing the days of the week or hours of the day, as the case may be, during which the museum or gymnasium is to be open to the public free of charge;

(b.) For giving special facilities to students for the use of the museum;

(c.) For fixing the fees to be paid for the admission of persons to the museum and for the use thereof either by students or in any other special manner;

(d.) For regulating the use of the gymnasium either by classes or otherwise, and fixing the scale of fees to be paid for such use;

(e.) For prescribing conditions on which the exclusive use of the museum, or any room therein, or of the gymnasium is granted in any case;

(f.) For determining the duties of the instructor, officers, and servants of the urban authority in connection with a museum or gymnasium;

(g.) Generally for regulating and managing the museum or gymnasium.

(2.) The urban authority may make byelaws for regulating the conduct of persons admitted to the museum or gymnasium, and may by any such by-law provide for the removal from the museum or gymnasium of any person infringing any such by-law by any officer of the urban authority or by any constable.

All the provisions with respect to byelaws contained in sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act, 1875 [38 & 39 Vict. c. 55], and any enactment amending or extending those sections, shall apply to all byelaws from time to time made by an urban authority under the powers of this Act.

8. *Closing of museum or gymnasium for repairs.* An urban authority may at such time as they think fit close a museum or gymnasium provided by them for repairs and shall give a fortnight's notice of their intention to close the same by affixing a notice to that effect on the door of the museum or gymnasium, as the case may be, or otherwise as they think fit.

9. *Appointment of officers and servants for museum and gymnasium.* An urban authority may appoint and pay such officers and servants as they think fit for the purpose of a museum or gymnasium provided under this Act, and may employ and pay instructors in connexion with a gymnasium.

10. *Expenses and borrowing.* (1) The fees and other money received by an urban authority under this Act shall be applied in defraying the expenses of the museum or gymnasium in respect of which they are received.

(2.) So far as such expenses are not so defrayed, they shall be defrayed as part of the general expenses of the execution by the urban authority of the Public Health Acts.

(3.) An urban authority may borrow for the purposes of this Act in like manner and subject to the like conditions as for the purpose of defraying the said general expenses, and for that purpose sections two hundred and thirty-three, two hundred and thirty-four, and two hundred and thirty-six to two hundred and thirty-nine, both inclusive, of the Public Health Act, 1875 [38 & 39 Vict. c. 55] (relating to borrowing), and sections two hundred and forty-two and two hundred and forty-three of the same Act (relating to loans by the Public Works Loan Commissioners), as amended by section two of the Public Works Loans Act, 1879 [42 & 43 Vict. c. 77], shall apply.

(4.) Separate accounts shall be kept of the receipts and expenditure of an urban authority in connexion with any museum or gymnasium established under this Act, and such accounts shall be audited in like manner and with the like power to the officer auditing the same, and with the like incidents and consequences as the accounts of the urban authority are for the time being required to be audited by law.

(5.) The amount expended by an urban authority under this Act shall not in any year exceed the amount produced by a rate of a halfpenny in the pound for a museum, and the like amount for a gymnasium established under this Act.

11. *Acquisition of land.* (1.) Land for the purposes of this Act may be acquired by an urban authority in like manner as if those purposes were purposes of the Public Health Act, 1875, and sections one hundred and seventy-five to one hundred and seventy-eight, both inclusive, of that Act (relating to the purchase of land) shall apply accordingly, but no land shall be so acquired otherwise than by agreement.

(2.) An urban authority may, with the consent of the Local Government Board, appropriate for the purposes of this Act, any land which may be for the time being vested in them, or at their disposal.

12. *Power to sell museum or gymnasium in certain cases.* (1.) Where it appears to an urban authority that a museum or gymnasium which has been established under this Act for seven years or upwards is unnecessary or too expensive, they may, with the consent of the Local Government Board, sell the same for the best price that can reasonably be obtained for the same, and shall convey the same accordingly.

(2.) Any moneys arising from such sale shall be applied toward the repayment of any money borrowed for the purpose of the museum or

gymnasium sold, and, so far as not required for that purpose, shall be applied to any purpose to which capital moneys are properly applicable, and which may be approved by the Local Government Board.

13. *Powers of Act cumulative.* All powers given to an urban authority under this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not been passed.

14. *Interpretation.* In this Act the expression "urban authority" means an urban sanitary authority under the Public Health Acts, and the expression "district" means an urban sanitary district under those Acts.

15. *Application of Act to Ireland.* In the application of this Act to Ireland the following provisions shall have effect:—

(1.) The expression "Public Health Acts" shall include the Public Health (Ireland) Act, 1878 [41 & 42 Vict. c. 52], and the Acts amending the same;

(2.) The Public Health (Ireland) Act, 1878, shall be substituted for the Public Health Act, 1875, and in particular a reference to sections one hundred and seventy-five to one hundred and seventy-eight of the Public Health Act, 1875, shall be taken to be a reference to sections two hundred and two to two hundred and four of the Public Health (Ireland) Act, 1878, and a reference to sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act, 1875, shall be taken to be a reference to sections two hundred and nineteen to two hundred and twenty-three of the Public Health (Ireland) Act, 1878, and a reference to sections two hundred and thirty-three, two hundred and thirty-four, and two hundred and thirty-six to two hundred and thirty-nine, both inclusive, of the Public Health Act, 1875, shall be taken to be a reference to sections two hundred and thirty-seven, two hundred and thirty-eight, and two hundred and forty to two hundred and forty-three, both inclusive, respectively, of the Public Health (Ireland) Act, 1878, and a reference to sections two hundred and forty-two and two hundred and forty-three of the Public Health Act, 1875, shall be taken to be a reference to section two hundred and forty-six of the Public Health (Ireland) Act, 1878;

(3.) The Local Government Board for Ireland shall be substituted for the Local Government Board;

(4.) A reference to a place of abode in England shall be construed to be a reference to a place of abode in Ireland.

CHAPTER 23.

[Reformatory and Industrial Schools Act, 1891.]

An Act to assist the managers of Reformatory and Industrial Schools in advantageously launching into useful careers the Children under their Charge. [3rd July 1891.]

Be it enacted, &c.:

1. *Power to apprentice or dispose of child.* If any youthful offender or child detained in or placed out on licence from a certified reformatory or industrial school conducts himself well, the managers of the school may, with his own consent, apprentice him to, or dispose of him in, any trade, calling, or service, or by emigration, notwithstanding that his period of detention has not expired, and such apprenticing or disposition shall be as valid as if the managers were his parents.

Provided that where he is to be disposed of by emigration, and in any case unless he has been detained for twelve months, the consent of the Secretary of State shall also be required for the exercise of any power under this section.

2. *Short title and extent of Act.* This Act may be cited as the Reformatory and Industrial Schools Act, 1891, and it shall not apply to Ireland.

CHAPTER 24.

[Public Accounts and Charges Act, 1891.]

An Act to amend certain provisions of the Law with respect to Money charged on or payable out of the Consolidated Fund, and with respect to Public Accounts. [3rd July 1891.]

Be it enacted, &c.:

1. *Abolition of office of Receiver-General of Inland Revenue and provision as to Inland Revenue moneys.* (1.) The office of Receiver-General of Inland Revenue is hereby abolished, and the Act mentioned in the schedule to this Act is hereby repealed to the extent mentioned in the third column of that schedule.

(2.) All money and securities for money from time to time collected or received in Great Britain for or on account of Inland Revenue shall (except as to sums legally paid thereout) be paid or remitted to the Bank of England in such manner and in accordance with such regulations as the Commissioners of Inland Revenue, with the approval of the Treasury, may direct, and shall be placed to an account in the books of the bank, entitled "The General Account of the Commissioners of Inland Revenue," and all money and securities for money from time to time collected or received in Ireland for or on account of Inland Revenue (except as aforesaid) shall be paid into the Bank of Ireland to the account of Her Majesty's exchequer, or as the Treasury direct.

(3.) Payments or transfers from the said account at the Bank of England to the account of the Exchequer, or to the account of any other public department of the State, and other payments necessary to be made thereout, shall be made, and the accounts of the said Commissioners with the Bank of England shall be kept in such manner and under such regulations as the Treasury prescribe or approve.

(4.) Where by any Act heretofore passed, or any bond or other instrument now in force, any payment is required or secured to be made to the Receiver General of Inland Revenue, or to his account, the Act, bond, or instrument, shall be construed as requiring or securing the payment to be made to the account of the said Commissioners, or to a collector of Inland Revenue, or other person authorized to receive money on behalf of the said Commissioners.

2. *Issues from Exchequer and appropriations in aid.* Whereas it is expedient to give statutory authority to the practice with respect to issues from the Exchequer and appropriations in aid; be it therefore enacted that—

(1.) Where an Act authorizes any sum to be issued out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland towards making good the supply granted to Her Majesty for the service of any year, every sum issued in pursuance of that Act shall be applied towards making good the supply so granted at the time of such issue.

(2.) All money directed by or in pursuance of any Act (whether passed before or after this Act), or by the Treasury, to be applied as an appropriation in aid of money provided by Parliament for any purpose shall be deemed to be money provided by Parliament for that purpose, and shall, without being paid into the Exchequer, be applied, audited, and dealt with accordingly, and so far as it is not in fact so applied shall be paid into the Exchequer.

(3.) Where any fee, penalty, proceeds of sale, or other money of the nature of an extra receipt is, by virtue of this Act, or of any other Act (whether passed before or after this Act), or otherwise, payable into the Exchequer, the Treasury may by a minute to be laid before Parliament direct that the whole or any specified part thereof shall be applied as an appropriation in aid of money provided by Parliament for the service mentioned in the minute.

3. *Tables for conversion of perpetual into terminable annuities.* Whereas the terminable annuities created under section four of the National Debt and Local Loans Act, 1887 [50 & 51 Vict. c. 16], have to be periodically adjusted in accordance with tables framed under section four of the National Debt, 1883 [46 & 47 Vict. c. 54], and those tables

were framed on the basis of perpetual annuities, bearing interest at the rate of three per cent. per annum, and it is expedient that they be modified; be it therefore enacted that—

The National Debt Commissioners shall cause a new table on the basis of the rate of interest now payable on Two and three-quarters per cent. Consolidated Stock to be framed and certified under the hands of the Comptroller-General or Assistant Comptroller, and of the Actuary of the National Debt Office, and the table so framed shall be substituted for the table framed and certified in pursuance of section four of the National Debt Act, 1883, and shall have effect as from the thirty-first day of March, one thousand eight hundred and ninety-one.

4. *Commutation of annuities for railways under 52 & 53 Vict. c. 66, 53 & 54 Vict. c. 52, and 54 & 55 Vict. c. 2.* Whereas by the Light Railways (Ireland) Act, 1889, and the Acts amending the same, the Treasury are authorized to pay for the purpose of light and other railways in Ireland annual sums not exceeding in the aggregate twenty thousand pounds a year in addition to the residue, if any, for the time being, remaining unappropriated of the sum of forty thousand pounds a year, mentioned in the ninth section of the Tramways and Public Companies (Ireland) Act, 1883, and are also authorized to grant for the same purposes any capital sum or sums not exceeding in the aggregate six hundred thousand pounds, subject to a provision that in the event of any capital sum being so granted a proportional reduction shall be made in the amount of the annual sums so paid;

And whereas it is expedient to make arrangements for commuting the said annual sums; be it therefore enacted as follows:

- (1.) The amount of the aid which may be given under the said Acts by a capital sum or sums may be any amount not exceeding in the aggregate such sum as with interest at the rate of three per cent. per annum would produce a sum of twenty thousand pounds a year, in addition to the residue, if any, for the time being remaining unappropriated of the said sum of forty thousand pounds a year.
- (2.) Where any part of the said capital sum or sums is required to be granted, and is not supplied out of money provided by Parliament, the National Debt Commissioners may, out of any funds for the time being in their hands on account of savings banks, lend to the Treasury, and the Treasury may borrow from the National Debt Commissioners, such money as may be required for the purpose of the grant, on such terms as to interest, sinking fund, and period of repayment (not exceeding ten years from the date of the loan) as may be agreed on between the National Debt Commissioners and the Treasury.
- (3.) The sums so lent by the National Debt Commissioners shall be repaid out of the moneys provided by Parliament for the purpose, and if and so far as those moneys are insufficient shall be charged on and payable out of the Consolidated Fund or the growing produce thereof.

5. *Abolition of salary to preacher of Rolls Chapel.* The annual sum of two hundred and twenty-five pounds which, by section 13 of the Act of the session held in the seventh year of King William the Fourth and the first year of Her present Majesty, intituled "An Act to vest the Rolls Estate in Her Majesty and to provide for the future payment of the salary of the Master of the Rolls and the expenses of the Rolls Chapel," was made payable out of the Consolidated Fund to the preacher for the time being of the Rolls Chapel, shall from and after the occurrence of the next vacancy in that preachship cease to be paid, and that section shall as from the date aforesaid be repealed.

6. *Short title.* This Act may be cited as the Public Accounts and Charges Act, 1891.

SCHEDULE.
ENACTMENTS REPEALED.

[Section 1.]

Session and Chapter.	Short Title.	Extent of Repeal.
53 & 54 Vict. c. 21.	The Inland Revenue Regulation Act, 1890.	In section six the words "or to the office of Receiver General." Sections sixteen, seventeen, eighteen, nineteen, and twenty. In section thirty-nine the words "Receiver General" means "Receiver General of Inland Revenue."

CHAPTER 25.

[*Customs and Inland Revenue Act, 1891.*]

An Act to grant certain Duties of Customs and Inland Revenue and to amend the Law relating to Customs and Inland Revenue.

[3rd July 1891.]

Be it enacted, &c.:

CUSTOMS.

1. *Import duties on tea.* The duties of Customs now chargeable upon tea shall continue to be levied and charged, on and after the first day of August one thousand eight hundred and ninety-one until the first day of August one thousand eight hundred and ninety-two, on the importation thereof into Great Britain or Ireland (that is to say):—

Tea, the pound . . . Fourpence.

INLAND REVENUE.

2. *Grant of duties of income tax.* (1.) There shall be charged, collected, and paid for the year which commenced on the sixth day of April one thousand eight hundred and ninety-one, in respect of all property, profits, and gains mentioned or described as chargeable in the Act of the sixteenth and seventeenth years of her Majesty's reign, chapter thirty-four, the following duties of income tax (that is to say):—

For every twenty shillings of the annual value or amount of property, profits, and gains chargeable under Schedules (A.), (C.), (D.), or (E.) of the said Act, the duty of sixpence.

And for every twenty shillings of the annual value of the occupation of lands, tenements, hereditaments, and heritages chargeable under Schedule (B.) of the said Act—

In England, the duty of threepence.

In Scotland and Ireland respectively, the duty of twopence farthing.

(2.) All such provisions contained in any Act relating to income tax as were in force on the fifth day of April one thousand eight hundred and ninety-one, shall have full force and effect with respect to the duties of income tax hereby granted so far as the same are consistent with this Act.

3. *Assessment of income tax under Schedules (A.) and (B.) and of the inhabited house duties for the year 1891-92.* (1.) The sum charged as the annual value of any property elsewhere than in the metropolis as defined by the Valuation (Metropolis) Act, 1869 [32 & 33 Vict. c. 67], in the assessment of income tax thereon for the year which commenced on the sixth day of April one thousand eight hundred and ninety, shall be taken as the annual value of such property for the assessment and charge thereon of the duties of income tax hereby granted under Schedules (A.) and (B.).

(2.) The sum charged as the annual value of every inhabited house elsewhere than in the said metropolis made thereon for the year which commenced as respects England on the sixth day of April one thousand eight hundred and ninety, and as respects Scotland on the twenty-fifth day of May one thousand eight hundred and ninety, shall be taken as the annual value of the inhabited house

for the assessment and charge thereon of the duties on inhabited houses as respects England for the year which commenced on the sixth day of April one thousand eight hundred and ninety-one, and as respects Scotland for the year commencing on the twenty-fifth day of May, one thousand eight hundred and ninety-one.

(3.) The inspectors or surveyors of taxes shall be the assessors of the said duties of income tax under Schedules (A.) and (B.), and of the said duties on inhabited houses.

4. *Amendment of the law as to inhabited house duty on houses for dwellings of small annual value.* (1.) Sub-section two of section twenty-six of the Customs and Inland Revenue Act, 1890, is hereby amended by the substitution of the words "where the annual value of each dwelling shall not amount to twenty pounds," for the words "for persons at rents not exceeding for each dwelling the rate of seven shillings and sixpence a week, and occupied only by persons paying such rents."

(2.) In the case of any house originally built, or adapted by additions or alterations, and used, so far as the same is used as a dwelling-house, for the sole purpose of providing separate dwellings at an annual value not exceeding forty pounds for each dwelling, the Commissioners acting in the execution of the Acts relating to inhabited house duties shall, upon production of such a certificate as is mentioned in the said sub-section, grant relief by confining the assessment to the annual value of the house exclusive of every dwelling therein of an annual value below twenty pounds (if any), and by reducing the rate of duty to threepence.

(3.) The provisions in the said sub-section in relation to a certificate shall apply to a certificate to be produced under this section.

SHORT TITLE.

5. *Short Title.* This Act may be cited as the Customs and Inland Revenue Act, 1891.

CHAPTER 26.

[*Russian Dutch Loan Act, 1891.*]

An Act to make provision for paying off the British portion of the Russian Dutch Loan.

[3rd July 1891.]

CHAPTER 27.

[*Consolidated Fund (No. 2) Act, 1891.*]

An Act to apply the sum of fifteen million nine hundred and thirty thousand and two pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety-two.

[3rd July 1891.]

CHAPTER 28.

[*Branding of Herrings (Northumberland) Act, 1891.*]

An Act to amend the Law respecting the Branding of Herrings on the Coast of Northumberland.

[3rd July 1891.]

Whereas it has for many years been the practice of the Scotch Fishery Board to brand barrels on the coast of Northumberland:

And whereas in consequence of recent legislation some doubt has been cast upon the legality of their continuing to do so:

Be it therefore enacted, &c.:

1. *Short title.* This Act may be cited as the Branding of Herrings (Northumberland) Act, 1891.

2. *Branding on Northumberland coast.* The powers of the Scotch Fishery Board and of their officers with respect to the branding or marking of barrels or half barrels under any Act, and of branding or marking any measure specified in any Act, shall extend to the administrative county of Northumberland and to the sea adjoining the same, and within the exclusive fishery limits of the British Islands, and the provisions of any Act in regard to the exercise of those powers and the enforcement of any penalties thereunder shall apply accordingly.

CHAPTER 29.

[Presumption of Life Limitation (Scotland)
Act, 1891.]

An Act to amend the Law of Scotland as regards Presumption of Life.

[3rd July 1891.]

CHAPTER 30.

[Law Agents and Notaries Public (Scotland)
Act, 1891.]

An Act to amend the Law relating to Law Agents and Notaries Public practising in Scotland.

[21st July 1891.]

CHAPTER 31.

[Mail Ships Act, 1891.]

An Act to enable Her Majesty in Council to carry into effect Conventions which may be made with Foreign Countries respecting Ships engaged in Postal Service.

[21st July 1891.]

Be it enacted, &c. :

1. *Application of Act by Order in Council.* (1.) Where Her Majesty the Queen has made a Convention with a Foreign State respecting the postal service between such Foreign State and the United Kingdom, or respecting the privileges of mail ships, that is to say, ships engaged in any postal service of such Foreign State or of any part of Her Majesty's dominions, it shall be lawful for Her Majesty in Council to order that this Act shall, and this Act shall accordingly, subject to any conditions, exceptions, and qualifications contained in the Order, apply, during the continuance of the Order, as regards such Convention and Foreign State, and the postal service and mail ships described in the Convention: and where by virtue of any such Order this Act or any section thereof applies as regards any Convention, Foreign State, postal service, or mail ship, the same is in this Act referred to as a Convention, Foreign State, postal service, or mail ship to which this Act or section applies.

(2.) The Order shall recite or embody the terms of the Convention, and may be varied or revoked by Order in Council, but shall not continue in force for any longer period than the Convention.

(3.) Every Order in Council under this Act shall be laid before both Houses of Parliament forthwith after it is made, or, if Parliament be not then sitting, after the then next meeting of Parliament, and shall also be notified in the London Gazette and published under the authority of Her Majesty's Stationery Office.

2. *Conveyance of letters by crew or passengers of mail ships forbidden.* (1.) Where this section applies to a Convention with a Foreign State, the master of a British mail ship to which this section applies when carrying mails to or from any port of the Foreign State, and the master of a mail ship of the Foreign State to which this section applies when carrying mails to or from any port of the United Kingdom, shall not, nor shall any person on board the ship, whether a passenger or belonging to the ship or any other person, convey in the ship for delivery to another person in the Foreign State or United Kingdom, as the case may be, any letter, other than the letters contained in mail bags intrusted to the master by a postal officer of the United Kingdom or of any Foreign State, or than the despatches sent by the Government either of the United Kingdom or of any Foreign State.

(2.) If a person on board such ship acts in contravention of this section, or refuses or fails on demand to give up to a postal officer, or, if such person is not the master, to the master, any letter so conveyed by him, he shall be liable, on summary conviction, to a fine not exceeding five pounds.

(3.) It shall be the duty of the master of the ship to secure the observance of this section by all persons on board the ship, and to inform the proper authorities at the port at which the ship arrives of any breach of this section by any of those persons, and if he wilfully fails to perform that duty he shall be liable to a fine not exceeding five pounds.

(4.) Provided that a person shall not be liable under this section to a fine for any offence for which he has been punished by the law of the Foreign State.

(5.) Nothing in this section shall apply to any letters which if sent from the United Kingdom would be exempted from the exclusive privilege of the Postmaster-General under the Act for the management of the Post Office [7 Will. 4 & 1 Vict. c. 33].

3. *Regulation as to giving of security for ships engaged in postal service.* (1.) Where the owner of any ships, British or foreign, applies to the High Court in England, and

(a) produces a certificate of a Secretary of State that such owner is subsidized for the execution of any postal service within the meaning of a Convention with a Foreign State to which this Act applies, by reason of receiving from the Foreign State, or from the Government of the United Kingdom or of a British possession, a *bond fide* subsidy for the postal service mentioned in the certificate, and

(b) produces sufficient evidence of the nature of the said service and the number of and the prescribed particulars respecting the ships engaged therein, and

(c) gives notice of the application to the Board of Trade,

the High Court, after hearing the owner, and the Board of Trade if they wish to be heard, shall fix the nature and amount of the security which the owner ought to place under the control of the court for the purposes of this Act as respects the ships engaged in that postal service, and fix the maximum number and tonnage of the ships to which the security is to apply.

(2.) The security shall be the bond of the owner guaranteed either—

(a.) by the personal security of a surety, accompanied by an adequate real security given by the surety; or,

(b.) by the payment or transfer into court of cash, or of securities of the Government of the United Kingdom.

(3.) If the owner gives such security to the satisfaction of the High Court, then so long as the security is maintained and is sufficient to the satisfaction of the Court, and the number and tonnage of the ships for the time being actually engaged in carrying mails for the postal service in respect of which the security is given does not exceed the number and tonnage of the ships to which the security applies, the ships actually engaged in carrying mails for the said service shall be deemed to be exempted mail ships, and be entitled to the exemptions and privileges given by this Act to exempted mail ships; and the Board of Trade shall give the prescribed notices for informing the arresting authorities that the ships actually engaged in carrying the mails for the said postal service are exempted mails ships.

(4.) Notice of every application respecting any security given in pursuance of this section shall be given to the Board of Trade.

(5.) If at any time it appears to the Board of Trade that a security given as respects ships engaged in any postal service is from any cause (whether pending claims, variation of the conditions of the service, or otherwise) insufficient, the Board of Trade shall apply to the High Court, and that Court, if satisfied of such insufficiency, shall require the security to be made sufficient to the satisfaction of the Court within a reasonable time, and direct that in default the ships engaged in the postal service shall cease to be exempted mail ships, and that the Board of Trade shall give the prescribed notices for informing the arresting authorities of such cesser.

(6.) The amount and nature of the security may be varied and the whole security may be withdrawn, and the income of the security may be disposed of, by order of the High Court from time to time on such application either of the ship-owners, or of the Board of Trade, or of any person appearing to be interested, and in such manner, and after such notice, and upon such terms and conditions as may be prescribed by rules of court, or, so far as the rules do not extend, as the Court may think just.

(7.) Provided that before the security is actually withdrawn, the High Court shall be satisfied:—

(a) that the prescribed notice of the order for withdrawal has been given to the arresting authorities; and

(b) that there is no pending claim for the purposes of which the security may be required;

and upon the prescribed notice of the order for withdrawal being given to an arresting authority, the ships shall, as respects that authority, cease, after the date specified in the notice, to be exempted ships.

(8.) Rules of court may be made for carrying this section into effect, and in particular for regulating the nature, amount, and value of the security to be given, and the mode of giving security, and of giving notices to the arresting authorities, and for providing for the evidence of the exemption of ships under this section, and for the information to be given from time to time to the High Court respecting the ships to which the security applies, and for the jurisdiction of the High Court under this Act being exercised in chambers.

4. *Arrest and execution of process on board exempted mail ships.* (1.) Where this section applies to a convention with a foreign state, and an exempted mail ship to which this section applies is in a port in the United Kingdom no person shall be arrested without warrant on board such ship, and before any process civil or criminal authorizing the arrest of any person who is on board such ship is executed against that person the following provisions of this section shall be observed; that is to say,—

(a.) written notice of the intention to arrest a person who is, or is suspected to be, on board the ship, stating the hour at which, if necessary, the ship will be searched, shall, if it is a ship of a Foreign State and there is at the port a consulate of that state, be left at the consulate, addressed to the consular officer;

(b.) it shall be the duty of the master upon demand, if the said person is on board his ship, to enable the proper officer to arrest him;

(c.) if the officer is unable to arrest the said person he may, but if it is a foreign ship only after the expiration of such time after notice was left at the consulate as is specified in the convention, search the ship for such person, and if he is found may arrest him.

(2.) The ship may be delayed for the purposes of this section for the time specified in the Convention, but not for any longer time.

(3.) If the master of a ship refuses to permit a search of the ship in accordance with this section, any officer of customs may detain the ship, and such master shall be liable to a fine of five hundred pounds.

(4.) This section shall apply to the arrest of the master in like manner as in the case of any other person.

5. *Exemption from seizure of exempted mail ship.*

(1.) An exempted mail ship to which this section applies shall not, subject as in this Act mentioned, be liable to be arrested or detained by any arresting authority either for the purpose of founding jurisdiction in any Court of Admiralty, or of enforcing the payment of any damages, fine, debt, or other claim or sum, or enforcing any forfeiture, whether arising from the misconduct of the master or any of the crew or otherwise, but every court of the United Kingdom by the process of which the ship could have been under the circumstances arrested or detained shall have the same jurisdiction as if the ship had been so arrested or detained, and any legal proceeding in relation to any such matter as aforesaid may be commenced by such service in the United Kingdom of any writ or process as may be prescribed by rules of court, and the High Court, on application, shall, in accordance with rules of court, cause the security to be applied in discharge of any such damages, fine, debt, claim, sum, or forfeiture.

(2.) Provided that nothing in this section shall render invalid the arrest or detention of a ship before the prescribed notice has been given to the arresting authority, but such authority, on proof that the ship is an exempted mail ship, shall release the ship. Where the Commissioners of Customs,

in pursuance of any Act or as a condition of waiving any forfeiture, require a deposit to be made by any exempted mail ship to which this section applies, the amount of such deposit shall, on notice from the Commissioners of Customs, and without any further proceeding, be set apart out of the security as money belonging to the said Commissioners, and shall be paid and applied as they direct, and any rules of court relating to such notice, payment, or application shall be made with the consent of the Treasury.

6. Application of Act to public ships.] (1.) Where the convention with a Foreign State provides that any provisions of the convention similar to those contained in this Act shall in any cases apply to a public ship of a Foreign State when employed as a mail ship, it shall be lawful for Her Majesty the Queen to agree that the like provisions shall apply to a public ship of Her Majesty in the like cases when employed as a mail ship, and to give effect to such agreement.

(2.) An Order in Council applying this Act as regards a Convention with a Foreign State may, if it seems to Her Majesty in Council to be consistent with the Convention so to do, apply this Act as regards a public ship of that Foreign State when employed as a mail ship in the cases authorized by the Convention, and this Act shall apply accordingly, as if such ship were an exempted mail ship belonging to a private owner, and any person may be arrested on board such ship accordingly.

7. Legal proceedings.] (1.) Every fine under this Act, if exceeding fifty pounds, may be recovered by action in the High Court in England or Ireland or in the Court of Session in Scotland, and the court in which it is recovered may reduce the amount of such fine, and a fine under this Act not exceeding fifty pounds may be recovered on summary conviction, provided that every offence for which a fine exceeding fifty pounds can be imposed under this Act may be prosecuted on summary conviction, but the fine imposed on such conviction shall not exceed fifty pounds.

(2.) In the case of a summary conviction, any person who thinks himself aggrieved by such conviction may appeal to quarter sessions. In Scotland such person may appeal in manner provided by the Summary Prosecutions Appeals (Scotland) Act, 1875 [38 & 39 Vict. c. 62].

(3.) Service of any summons or other matter in any legal proceeding under this Act shall be good service if made by leaving the summons for the person to be served on board the ship to which he belongs with the person being or appearing to be master of the ship.

(4.) If a fine under this Act imposed on the master of a ship is not paid, and cannot be recovered out of any security given in pursuance of this Act, the court may, in addition to any other power for enforcing payment of the fine, direct the amount to be levied by distress or poinding and sale of the ship, her tackle, furniture, or apparel. An officer of customs in detaining a ship or releasing a ship after detention in pursuance of this Act shall act upon such requisition or authority and under such regulations as the Commissioners of Customs may make with the consent of the Treasury.

8. Application of Act to British Possessions.] (1.) An order in Council may for the purpose of a Convention with a Foreign State apply this Act, subject to any exceptions or modifications not inconsistent with the provisions of this Act, to any British Possession, and this Act when so applied shall, subject to those exceptions and modifications, and subject as herein-after mentioned, have effect as if it were re-enacted with the substitution of such British Possessions for the United Kingdom;

Provided that before it is applied to any British Possession named in the schedule to this Act the Government of such possession shall have adhered to the Convention.

(2.) Where this Act applies to a British possession, it shall not be necessary for the owner of any mail ship to give security in any court in that possession, and the provisions of this Act with respect to the jurisdiction of any court of the United Kingdom, other than any jurisdiction relating to the application of the security, shall apply as if a court in the British Possession were substituted for a court of the United Kingdom.

(3.) It shall be lawful for Her Majesty in Council to make rules for carrying into effect, as respects British Possessions, the provisions of this Act with respect to the security given by mail ships, and in particular with respect to the commencement of a legal proceeding by service of a writ or process in the Possession, and to the notices to be given to arresting authorities in the Possession, and the evidence to be receivable by such authorities of the security having been given or withdrawn, and the application of the security in discharge of any damages, fine, debt, claim, sum, or forfeiture, where the same are or is recovered or payable either in the British Possession, or under proceedings pending concurrently in that British Possession and in any other British Possession or the United Kingdom.

(4.) If by any law made either before or after the passing of this Act by the Legislature of any British Possession provision is made for carrying into effect within such Possession any convention to which this Act applies, Her Majesty in Council may suspend the operation within such Possession of this Act or of any part thereof so far as it relates to such convention, and so long as such law continues in force there, or direct that such law or any part thereof shall have effect in such British Possession with or without modifications and alterations as if it were part of this Act.

9. Definitions.] In this Act—

The expression "mail bag" means a mail of letters, or a box, or parcel, or any other envelope in which post letters within the meaning of the Acts relating to the Post Office, are conveyed;

The expression "subsidy" includes a payment for the performance of a contract;

The expression "master of a ship" includes any person in charge of a ship, whether commander, mate, or any other person;

The expression "ship of a Foreign State" means a ship entitled to sail under the flag of a Foreign State;

The expression "arresting authority" means any court, authority, or officer having power to arrest or detain a ship, or to arrest a person on board a ship, or to order such arrest or detention, or to order the execution of any process, civil or criminal, for the arrest of a person on board any ship;

The expression "postal officer" means any person employed in the business of the Post Office of the United Kingdom or a British Possession or Foreign State, as the case may be, whether employed by the Postmaster General, or the chief of the Post Office of the British Possession, or the chief of the Post Office of the Foreign State, or by any person under him, or on behalf of any such Post Office.

10. Short title.] This Act may be cited as the Mail Ships Act, 1891.

CHAPTER 32.

[Roads and Streets in Police Burghs (Scotland) Act, 1891.]

An Act to amend the Law relating to Roads and Streets in Police Burghs in Scotland.

[21st July 1891.]

CHAPTER 33.

[Allotments Rating Exemption Act, 1891.]

An Act to amend the Laws relating to the Rating of Allotments for Sanitary purposes.

[21st July 1891.]

Whereas it is enacted by section two hundred and eleven, sub-section (1.) (b.), and section two hundred and thirty of the Public Health Act, 1875 [38 & 39 Vict. c. 55], that "the occupier of any land used as arable, meadow, or pasture ground only, or as woodlands, market gardens, or nursery grounds," shall be assessed to the general district rate in an urban district or to a separate rate levied in respect of special expenses within the meaning of the said Act in a rural district, in the proportion of one-fourth part only of the net annual value or rateable value of such land:

And whereas doubts have arisen whether allot-

ments are or are not included among the lands to which the aforesaid exemptions apply:

And whereas it is expedient to remove such doubts, and to render the practice of assessment uniform, and to relieve allotments from all liability to be assessed for sanitary purposes at a higher rate than other cultivated lands:

Be it therefore enacted, &c.:

1. Amendment of 38 & 39 Vict. c. 55, ss. 211 (1.) (b.), 230.] From and after the first day of October one thousand eight hundred and ninety-one section two hundred and eleven, sub-section one, and section two hundred and thirty of the Public Health Act, 1875, shall be read and construed as if the word "allotments" was inserted in each of those sections after the word "woodlands"; Provided that nothing in this Act shall apply to any rate made under either of the said sections on or before the first day of October one thousand eight hundred and ninety-one.

2. Definition of "allotment."] "Allotment" means any parcel of land of not more than two acres in extent and let as an allotment, and cultivated as a garden or a farm, or partly as a garden and partly as a farm.

3. Short title of Act.] This Act may be cited as the Allotments Rating Exemption Act, 1891.

CHAPTER 34.

[Local Authorities Loans (Scotland) Act, 1891.]

An Act to provide increased Facilities for the raising of Money by Local Authorities in Scotland by the issue of Debentures, Stock, or otherwise.

[21st July 1891.]

CHAPTER 35.

[Bills of Sale Act, 1891.]

An Act to amend the Bills of Sale Act, 1890.

[21st July 1891.]

Be it enacted, &c.:

1. Exemption of securities on imported goods from 41 & 42 Vict. c. 31, and 45 & 46 Vict. c. 43.] Section one of the Bills of Sale Act, 1890, shall be amended so as to read as follows: An instrument charging or creating any security on or declaring trusts of imported goods given or executed at any time prior to their deposit in a warehouse, factory, or store, or to their being reshipped for export, or delivered to a purchaser not being the person giving or executing such instrument, shall not be deemed a bill of sale within the meaning of the Bills of Sale Acts, 1878 and 1882.

2. Short title.] This Act may be cited as the Bills of Sale Act, 1891.

CHAPTER 36.

[Consular Salaries and Fees Act, 1891.]

An Act to amend the Law relating to the Salaries and Fees of Consular Officers.

[21st July 1891.]

CHAPTER 37.

[Fisheries Act, 1891.]

An Act to carry into effect an International Declaration respecting the North Sea Fisheries, and to amend the Law relating to Sea Fisheries and Salmon and Freshwater Fisheries.

[21st July 1891.]

Be it enacted, &c.:

PART I.

BELGIAN DECLARATION AND SEA FISHERIES ACT, 1883.

1. Confirmation of Declaration.] The Declaration set out in the Schedule to this Act (hereinafter referred to as the Scheduled Declaration) is hereby confirmed, and the articles thereof shall be of the same force as if they were enacted in the body of this Act.

2. Powers of Commission appointed under Declaration.] (1.) Any commission appointed by the Board of Trade in pursuance of Article One of the

Scheduled Declaration shall, for the purpose of its duties, have the same powers as an inspector appointed by the Board of Trade in pursuance of section fourteen of the Merchant Shipping Act, 1854 [17 & 18 Vict. c. 104], and sections fifteen and sixteen of that Act shall apply as if the commission were such an inspector.

(2.) Any such commission may take security, in such form as the Board of Trade may by rule prescribe, for the attendance of a witness before a court of justice in Belgium, and any sum which may become due in pursuance of such a security may be recovered in like manner as a sum due in pursuance of a security given under the Summary Jurisdiction Act, 1879 [42 & 43 Vict. c. 49].

3. *Evidence of report or certificate under Article 3 of Declaration.* A document purporting to be certified by a Secretary or Assistant Secretary of the Board of Trade to be a report made or certificate given in pursuance of Article Three of the Scheduled Declaration shall be deemed to be such a report or certificate and to have been duly forwarded.

4. *Punishment for violation of Article 4 of Declaration.* If, either within or without the exclusive fishery limits of the British Islands, any person belonging to a British sea fishing boat acts in contravention of Article Four of the Scheduled Declaration, he shall be liable to the like penalty as for a contravention of Articles thirteen to twenty-two of the First Schedule to the Sea Fisheries Act, 1883 [46 & 47 Vict. c. 22].

Provided that if the Scheduled Declaration ceases to be binding on Her Majesty, this section shall cease to apply in the case of injuries to the gear or boat of a fisherman being a subject of the foreign State party to the Declaration, but shall nevertheless continue to apply as between British subjects.

5. *Forfeiture for offence against 46 & 47 Vict. c. 22, s. 7.* In the event of any contravention of section seven of the Sea Fisheries Act, 1883, on the part of any foreign sea fishing boat, or of any person belonging thereto, any fish or fishing gear found in the boat or shewn to have been taken or used by any person belonging to the boat within the exclusive fishery limits of the British Islands shall, on conviction for the offence, be liable to be forfeited.

6. *Construction, title, and commencement of this Part of Act.* (1.) This Part of this Act shall be construed as one with the Sea Fisheries Act, 1883, and, so far as relates to Scotland, and the parts of the sea adjoining Scotland, also as one with the Sea Fisheries (Scotland) Amendment Act, 1885 [48 & 49 Vict. c. 70].

(2.) In particular, the powers of making Orders in Council conferred by sections three and twenty-three of the Sea Fisheries Act, 1883, may be exercised for the purposes of this Part of this Act, and section twenty-three of the said Act shall, for the purpose of any such Order, apply as if the Schedule to this Act were the First Schedule to that Act, and the Declaration referred to in this Act were the Convention referred to in that Act.

(3.) The Sea Fisheries Act, 1883, the Sea Fisheries (Scotland) Amendment Act, 1885, and this Part of this Act may be cited collectively as the Sea Fisheries Acts, 1883 to 1891.

(4.) This Part of this Act shall come into force on such day as may be fixed in that behalf by a notice published in the London Gazette.

PART II.

SEA FISHERIES REGULATION ACT, 1888.

7. *Extension of powers of local fisheries committee for making byelaws.* The powers of a local fisheries committee to make byelaws in pursuance of section two of the Sea Fisheries Regulation Act, 1888 [51 & 52 Vict. c. 54], shall extend to making byelaws, to be observed within their district, for restricting or prohibiting, either entirely or subject to any exceptions and regulations, the fishing for or taking of all or any specified kinds of sea fish during any period specified in any such byelaw.

8. *Jurisdiction as to offences.* Where any offence under the Sea Fisheries Regulation Act, 1888, or under any byelaw made in pursuance thereof, is committed on the sea coast or at sea beyond the ordinary jurisdiction of a court of summary jurisdiction and not on or from a ship or boat it shall

be deemed to have been committed within the body of any county abutting on that sea coast or adjoining that sea, and may be tried and punished accordingly.

9. *Powers of local fisheries committee for enforcement of Sea Fisheries Acts.* A local fisheries committee appointed in pursuance of the Sea Fisheries Regulation Act, 1888, may, within their district, enforce the provisions of the Fisheries (Oyster, Crab, and Lobster) Act, 1877, and of any other Act relating to sea fisheries.

10. *Power for county council, &c., to pay or contribute to expenses under 51 & 52 Vict. c. 54.* Any county or borough council may, if they think fit, pay or contribute to any expenses incurred by a board of salmon conservators in exercise of their powers under the Sea Fisheries Regulation Act, 1888.

11. *Construction and short title of Part of Act.* This Part of this Act shall be construed as one with the Sea Fisheries Regulation Act, 1888, and that Act and this part of this Act may be cited collectively as the Sea Fisheries Regulation Acts, 1888 and 1891.

PART III.

SALMON AND FRESHWATER FISHERIES

12. *Power to constitute Stour fishery district.* (1.) The Board of Trade may, if they think fit, issue a certificate forming a fishery district for the river Stour (dividing the counties of Suffolk and Essex), its estuary, and its tributaries, and such waters and coasts may be declared in the certificate to belong thereto, and may thereby fix the number of conservators to be appointed as a board, and the number of the members of the board of conservators to be appointed by each county in the district, and may make such other arrangements as may seem to the Board necessary or proper in connexion with the formation of the district.

(2.) On the issue of a certificate under this section the provisions of the Norfolk and Suffolk Fisheries Act, 1877 [40 & 41 Vict. c. 98], and of section eight of the Freshwater Fisheries Act, 1884 [47 & 48 Vict. c. 11], shall cease to apply within the district formed by the certificate, and the provisions of the Salmon and Freshwater Fisheries Acts, 1861 to 1886, shall apply therein as if no part of the district were included in the county of Suffolk, and the district so formed shall for all purposes be deemed to be a district formed under the provisions of the said Salmon and Freshwater Fisheries Acts other than the Norfolk and Suffolk Fisheries Act, 1877.

(3.) On the issue of the certificate the certificates of the formation of the Stour (Essex), and Stour (Suffolk) fishery districts, dated the nineteenth day of March one thousand eight hundred and eighty-eight shall cease to have effect, so, however, that nothing in this section shall affect the validity of anything done or suffered under the certificates, and that all proceedings under the certificates and pending at the date of the issue of the new certificate may be carried on and completed as if the old certificates were in force.

(4.) Any byelaws made under the Salmon and Freshwater Fisheries Acts, 1861 to 1886, or any of them, and in force within the districts or either of them at the date of the new certificate, shall, notwithstanding any limitation of time for the continuance of such byelaw, continue to be in force until repealed by the board of conservators of the new district, and the board may, if it thinks fit, repeal any such byelaws in manner provided for the repeal of byelaws made under the Freshwater Fisheries Act, 1884 [47 & 48 Vict. c. 11].

(5.) The persons who are at the date of the issue of the new certificate the members of the board of conservators of the Stour (Essex) fishery district shall be the first appointed members representing the county of Essex on the board of the new district, and shall come into office on the issue of the certificate.

PART IV.

GENERAL.

13. *Explanation as to power of taking legal proceedings for enforcing Fisheries Acts.* The powers conferred by the Sea Fisheries Act, 1883, or this Act, or any other Act relating to sea fisheries, or by any Act relating to salmon and freshwater fisheries,

upon any authorities or officers to enforce any such Act shall not be construed as limiting or taking away the power of any other person to take legal proceedings for the enforcement of any such Act or of any byelaw made thereunder.

14. *Short title.* This Act may be cited as the Fisheries Act, 1891.

CHAPTER 38.

[Stamp Duties Management Act, 1891.]

An Act to consolidate the Law relating to the Management of Stamp Duties.

[21st July 1891.]

Be it enacted, &c. :

Application of Act.

1. *Act to apply to all stamp duties.* All duties for the time being chargeable by law as stamp duties shall be under the care and management of the Commissioners, and this Act shall apply to all such duties and to all fees which are for the time being directed to be collected or received by means of stamps.

Mode of recovering Money received for Duty.

2. *Moneys received for duty and not appropriated to be recoverable in High Court.* (1.) Every person who, having received any sum of money as or for any duty, or any fee collected by means of a stamp, does not apply the money to the due payment of the duty or fee, and improperly withholds or detains the same, shall be accountable for the amount of the duty or fee, and the same shall be a debt from him to Her Majesty, and recoverable as such accordingly.

(2.) The Commissioners may sue out of the High Court in England or Ireland, or of the Court of Session sitting as the Court of Exchequer in Scotland, as the case may require, a writ of summons commanding any such person to deliver an account of every sum of money so received by him, and withheld or detained, and to pay the money to them, together with the costs of the proceedings, or to shew cause to the contrary.

(3.) If cause is shewn the court shall make such order as to the court seems just.

Sale of Stamps.

3. *Power to grant licences to deal in stamps.* (1.) The Commissioners may, in their discretion, grant a licence to any person to deal in stamps at any place to be named in the licence.

(2.) The licence shall specify the full name and place of abode of the person to whom the same is granted, and a description of every house, shop, or place, in or at which he is authorized to deal in stamps.

(3.) Every person to whom a licence is granted shall give security in the sum of one hundred pounds in such manner and form as the Commissioners shall prescribe, and, if by bond, the bond shall be exempt from stamp duty.

(4.) One licence and one bond only shall be required for any number of persons in partnership, and the licence may at any time be revoked by the Commissioners.

(5.) Every person licensed to deal in stamps shall cause to be visibly and legibly painted and shall keep so painted in letters of not less than one inch in length on some conspicuous place on the outside of the front of every house, shop, or place in or at which he is licensed to deal in stamps, his full name, together with the words "Licensed to sell stamps," and for every neglect or omission so to do shall incur a fine of ten pounds.

Penalty for unauthorized dealing in stamps, &c.

(1.) If any person who is not duly appointed to sell and distribute stamps deals in any manner in stamps, without being licensed so to do, or at any house, shop, or place not specified in his licence he shall for every such offence incur a fine of twenty pounds.

(2.) If any person who is not duly appointed to sell and distribute stamps, or duly licensed to deal in stamps, has, or puts upon his premises either in the inside or on the outside thereof, or upon any board or any material whatever exposed to public view, and whether the same be affixed to his premises or not, any letters importing or intending to import that he deals in stamps, or is licensed so to do, he shall incur a fine of ten pounds.

5. *Provisions as to determination of a licence.* (1.)

If the licence of any person to deal in stamps expires or is revoked, or if any person licensed to deal in stamps dies or becomes bankrupt, and any such person at the expiration or revocation of his licence, or at the time of his death or bankruptcy, has in his possession any stamps, such person, or his executor or administrator, or the receiver or trustee or official assignee under his bankruptcy, may, within six months after the expiration or revocation of the licence, or after the death or bankruptcy, as the case may be, bring or send the stamps to the chief office or to one of the head offices.

(2.) The Commissioners may in any such case pay to the person bringing or sending stamps the amount of the duty thereon, deducting therefrom the proper discount, if proof to their satisfaction is furnished that the same were actually in the possession of the person, whose licence has expired or been revoked, or so dying or becoming bankrupt, for the purpose of sale, at the time of the expiration or revocation of the licence, or of his death or bankruptcy, and that the stamps were purchased or procured by that person at the chief office or at one of the head offices, or from some person duly appointed to sell and distribute stamps, or duly licensed to deal in stamps.

6. *Penalty for having stamps.* (1.) If any person, whether licensed to deal in stamps or not, hawks or carries about for sale or exchange, any stamps, he shall in addition to any other fine or penalty to which he may be liable incur a fine of twenty pounds.

(2.) In default of payment of the fine, on summary conviction the offender shall be imprisoned for any term not exceeding two months.

(3.) All stamps which are found in the possession of the offender shall be forfeited, and shall be delivered to the Commissioners, to be disposed of as they think fit.

(4.) Any person may arrest a person found committing an offence against this section, and take him before a justice having jurisdiction where the offence is committed, who shall hear and determine the matter.

7. *Postage stamps.* Notwithstanding anything in this Act contained, it shall be lawful for any person in the service or employment of the Post Office, without any other licence or authority than this Act to sell postage stamps at any place, and in any manner.

8. *Discount.* Upon the sale of stamps such discount shall be allowed to the purchasers thereof as the Treasury direct.

Allowance for Spoiled Stamps.

9. *Procedure for obtaining allowances.* Subject to such regulations as the Commissioners may think proper to make, and to the production of such evidence by statutory declaration or otherwise as the Commissioners may require, allowance is to be made by the Commissioners for stamps spoiled in the cases hereinafter mentioned; (that is to say,)

(1.) The stamp on any material inadvertently and undesignedly spoiled, obliterated, or by any means rendered unfit for the purpose intended, before the material bears the signature of any person or any instrument written thereon is executed by any party;

(2.) Any adhesive stamp which has been inadvertently and undesignedly spoiled or rendered unfit for use and has not in the opinion of the Commissioners been affixed to any material;

(3.) Any adhesive stamp representing a fee capable of being collected by means of such stamp which has been affixed to material provided that a certificate from the proper officer is produced to the effect that the stamp should be allowed.

(4.) The stamp on any bill of exchange signed by or on behalf of the drawer which has not been accepted or made use of in any manner whatever or delivered out of his hands for any purpose other than by way of tender for acceptance.

(5.) The stamp on any promissory note signed by or on behalf of the maker which has not been made use of in any manner whatever or delivered out of his hands.

(6.) The stamp on any bill of exchange or promissory note which from any omission or error has been spoiled or rendered useless, although the same, being a bill of exchange, may have been accepted or indorsed, or, being a promissory note, may have been delivered to the payee, provided that another completed and duly stamped bill of exchange or promissory note is produced identical in every particular, except in the correction of the error or omission, with the spoiled bill or note;

(7.) The stamp used for any of the following instruments; that is to say

(a.) An instrument executed by any party thereto, but afterwards found to be absolutely void from the beginning;

(b.) An instrument executed by any party thereto, but afterwards found unfit, by reason of any error or mistake therein for the purpose originally intended;

(c.) An instrument executed by any party thereto which has not been made use of for any purpose whatever, and which by reason of the inability or refusal of some necessary party to sign the same or to complete the transaction according to the instrument, is incomplete and insufficient for the purpose for which it was intended;

(d.) An instrument executed by any party thereto, which by reason of the refusal of any person to act under the same, or for want of enrolment or registration within the time required by law, fails of the intended purpose or becomes void;

(e.) An instrument executed by any party thereto which is inadvertently and undesignedly spoiled, and in lieu whereof another instrument made between the same parties and for the same purpose is executed and duly stamped, or which becomes useless in consequence of the transaction intended to be thereby effected being effected by some other instrument duly stamped;

Provided as follows:—

(a.) That the application for relief is made within six months after the stamp has been spoiled or become useless or in the case of an executed instrument after the date of the instrument, or, if it is not dated, within six months after the execution thereof by the person by whom it was first or alone executed or within such further time as the Commissioners may prescribe in the case of any instrument sent abroad for execution or when from unavoidable circumstances any instrument for which another has been substituted cannot be produced within the said period;

(b.) That in the case of an executed instrument no legal proceeding has been commenced in which the instrument could or would have been given or offered in evidence, and that the instrument is give up to be cancelled;

(c.) That in the case of stamps used for medicines or playing cards, the medicines or cards bearing the stamps are produced to an officer and the stamps are removed therefrom in his presence.

10. *Allowance for misused stamps.* When any person has inadvertently used for an instrument liable to duty a stamp of greater value than was necessary, or has inadvertently used a stamp for an instrument not liable to any duty, the Commissioners may, on application made within six months after the date of the instrument, or, if it is not dated, within six months after the execution thereof by the person by whom it was first or alone executed, and upon the instrument, if liable to duty, being stamped with the proper duty, cancel and allow as spoiled the stamp so misused.

11. *Allowance how to be made.* In any case in which allowance is made for spoiled or misused stamps the Commissioners may give in lieu thereof other stamps of the same denomination and value, or if required, and they think proper, stamps of any other denomination to the same amount in value, or in their discretion, the same value in money, deducting therefrom the discount

allowed on the purchase of stamps of the like description.

12. *Stamps not wanted may be repurchased by the Commissioners.* When any person is possessed of a stamp which has not been spoiled or rendered unfit or useless for the purpose intended, but for which he has no immediate use, the Commissioners may, if they think fit, repay to him the value of the stamp in money, deducting the proper discount, upon his delivering up the stamp to be cancelled, and proving to their satisfaction that it was purchased by him at the chief office or at one of the head offices, or from some person duly appointed to sell and distribute stamps or duly licensed to deal in stamps, within the period of six months next preceding the application and with a bona fide intention to use it.

Offences relating to Stamps.

13. *Certain offences in relation to dies and stamps provided by Commissioners to be felonies.* Every person who does, or causes or procures to be done, or knowingly aids, abets, or assists in doing, any of the acts following; that is to say,

(1.) Forges a die or stamp;

(2.) Prints or makes an impression upon any material with a forged die;

(3.) Fraudulently prints or makes an impression upon any material from a genuine die;

(4.) Fraudulently cuts, tears, or in any way removes from any material any stamp, with intent that any use should be made of such stamp or of any part thereof;

(5.) Fraudulently mutilates any stamp, with intent that any use should be made of any part of such stamp;

(6.) Fraudulently fixes or places upon any material or upon any stamp, any stamp or part of a stamp which, whether fraudulently or not, has been cut, torn, or in any way removed from any other material, or out of or from any other stamp;

(7.) Fraudulently erases or otherwise either really or apparently removes from any stamped material any name, sum, date, or other matter or thing whatsoever thereon written, with the intent that any use should be made of the stamp upon such material;

(8.) Knowingly sells or exposes for sale or utters or uses any forged stamp, or any stamp which has been fraudulently printed or impressed from a genuine die;

(9.) Knowingly, and without lawful excuse (the proof whereof shall lie on the person accused) has in his possession any forged die or stamp or any stamp which has been fraudulently printed or impressed from a genuine die, or any stamp or part of a stamp which has been fraudulently cut, torn, or otherwise removed from any material, or any stamp which has been fraudulently mutilated, or any stamped material out of which any name, sum, date, or other matter or thing has been fraudulently erased or otherwise either really or apparently removed,

shall be guilty of felony, and shall on conviction be liable to be kept in penal servitude for any term not exceeding fourteen years, or to be imprisoned with or without hard labour for any term not exceeding two years.

14. *Making paper in imitation of paper used for stamp duties.* Every person who without lawful authority or excuse (the proof whereof shall lie on the person accused)—

(a.) makes or causes or procures to be made, or aids or assists in making, or knowingly has in his custody or possession, any paper in the substance of which shall appear any words, letters, figures, marks, lines, threads, or other devices peculiar to and appearing in the substance of any paper provided or used by or under the direction of the Commissioners for receiving the impression of any die, or any part of such words, letters, figures, marks, lines, threads, or other devices, and intended to imitate or pass for the same; or

(b.) causes or assists in causing any such words, letters, figures, marks, lines, threads, or de-

vices as aforesaid, or any part of such words, letters, figures, marks, lines, threads, or other devices and intended to imitate or pass for the same, to appear in the substance of any paper whatever, shall be guilty of felony, and shall on conviction be liable to be kept in penal servitude for any term not exceeding seven years, or to be imprisoned with or without hard labour for any term not exceeding two years.

15. *Possession of paper, plates, or dies used for stamp duties.* Every person who without lawful authority or excuse (the proof whereof shall lie on the person accused) purchases or receives or knowingly has in his custody or possession—

- (a.) any paper manufactured and provided by or under the direction of the Commissioners, for the purpose of being used for receiving the impression of any die before such paper shall have been duly stamped and issued for public use; or
 - (b.) any plate, die, dandy-roller, mould, or other implement peculiarly used in the manufacture of any such paper,
- shall be guilty of a misdemeanour, and shall on conviction be liable to be imprisoned with or without hard labour for any term not exceeding two years.

16. *Proceedings for detection of forged dies, &c.* On information given before a justice upon oath that there is just cause to suspect any person of being guilty of any of the offences aforesaid, such justice may, by a warrant under his hand, cause every house, room, shop, building, or place belonging to or occupied by the suspected person, or where he is suspected of being or having been in any way engaged or concerned in the commission of any such offence, or of secreting any machinery, implements, or utensils applicable to the commission of any such offence, to be searched, and if upon such search any of the said several matters and things are found, the same may be seized and carried away, and shall afterwards be delivered over to the Commissioners.

17. *Proceedings for detection of stamps stolen or obtained fraudulently.* (1) Any justice having jurisdiction in the place where any stamps are known or supposed to be concealed or deposited, may, upon reasonable suspicion that the same have been stolen or fraudulently obtained, issue his warrant for the seizure thereof, and for apprehending and bringing before himself or any other justice within the same jurisdiction the person in whose possession or custody the stamps may be found, to be dealt with according to law.

(2) If the person does not satisfactorily account for the possession of the stamps or it does not appear that the same were purchased by him at the chief office or at one of the head offices, or from some person duly appointed to sell and distribute stamps or duly licensed to deal in stamps, the stamps shall be forfeited, and shall be delivered over to the Commissioners.

(3) Provided that if at any time within six months after the delivery any person makes out to the satisfaction of the Commissioners that any stamps so forfeited were stolen or otherwise fraudulently obtained from him, and that the same were purchased by him at the chief office or one of the head offices, or from some person duly appointed to sell and distribute stamps, or duly licensed to deal in stamps, such stamps may be delivered up to him.

18. *Licensed person in possession of forged stamps to be presumed guilty until contrary is shown.* (1) If any forged stamps are found in the possession of any person appointed to sell and distribute stamps, or being or having been licensed to deal in stamps, that person shall be deemed and taken, unless the contrary is satisfactorily proved, to have had the same in his possession knowing them to be forged, and with intent to sell, use, or utter them, and shall be liable to the punishment imposed by law upon a person selling, using, uttering, or having in possession forged stamps knowing the same to be forged.

(2) If the Commissioners have cause to suspect any such person of having in his possession any forged stamps, they may by warrant under their hands authorize any person to enter between the hours of nine in the morning and seven in the

evening into any house, room, shop, or building of or belonging to the suspected person, and if on demand of admittance, and notice of the warrant, the door of the house, room, shop, or building, or any inner door thereof, is not opened, the authorized person may break open the same and search for and seize any stamps that may be found therein or in the custody or possession of the suspected person.

(3) All officers of the peace are hereby required, upon request by any person so authorized, to aid and assist in the execution of the warrant.

- (4) Any person who—
 - (a.) Refuses to permit any such search or seizure to be made as aforesaid; or
 - (b.) Assaults, opposes, molests, or obstructs any person so authorized in the due execution of the powers conferred by this section or any person acting in his aid or assistance,

and any officer of the peace who upon any such request as aforesaid, refuses or neglects to aid and assist any person so authorized in the due execution of his powers shall incur a fine of fifty pounds.

19. *Mode of proceeding when stamps are seized.* Where stamps are seized under a warrant, the person authorized by the warrant shall, if required, give to the person in whose custody or possession the stamps are found an acknowledgment of the number, particulars, and amount of the stamps, and permit the stamps to be marked before the removal thereof.

20. *As to defacement of adhesive stamps.* Every person who by any writing in any manner defaces any adhesive stamp before it is used shall incur a fine of five pounds: Provided that any person may with the express sanction of the Commissioners, and in conformity with the conditions which they may prescribe, write upon or otherwise appropriate an adhesive stamp before it is used for the purpose of identification thereof.

21. *Penalty for frauds in relation to duties.* Any person who practices or is concerned in any fraudulent act, contrivance, or device, not specially provided for by law, with intent to defraud Her Majesty of any duty shall incur a fine of fifty pounds.

Miscellaneous.

22. *As to discontinuance of dies.* Whenever the Commissioners determine to discontinue the use of any die, and provide a new die to be used in lieu thereof, and give public notice thereof in the London, Edinburgh, and Dublin Gazettes, then from and after any day to be stated in the notice (such day not being within one month after the same is so published) the new die shall be the only lawful die for denoting the duty chargeable in any case in which the discontinued die would have been used; and every instrument first executed by any person, or bearing date after the day so stated, and stamped with the discontinued die, shall be deemed to be not duly stamped:

Provided as follows:

- (a.) If any instrument stamped as last aforesaid, and first executed after the day so stated at any place out of the United Kingdom, is brought to the Commissioners within fourteen days after it has been received in the United Kingdom, then upon proof of the facts to the satisfaction of the Commissioners the stamp thereon shall be cancelled, and the instrument shall be stamped with the same amount of duty by means of the lawful die, without the payment of any penalty:
- (b.) All persons having in their possession any material stamped with the discontinued die, and which by reason of the providing of such new die has been rendered useless, may at any time within six months after the day stated in the notice send the same to the chief office or one of the head offices, and the Commissioners may thereupon cause the stamp on such material to be cancelled, and the same material, or, if the Commissioners think fit, any other material, to be stamped with the new die, in lieu of and to an equal amount with the stamp so cancelled.

23. *Application of Act to excise labels.* The provisions of this Act in reference to offences relating to stamps shall apply to any label now or hereafter provided by the Commissioners for denoting any duty of excise, and any label so provided shall be deemed to be included in the term "stamp" as defined by this Act.

24. *Declarations, how to be made.* Any statutory declaration to be made in pursuance of or for the purposes of this or any other Act for the time being in force relating to duties may be made before any of the Commissioners, or any officer or person authorized by them in that behalf, or before any commissioner for oaths or any justice or notary public in any part of the United Kingdom, or at any place out of the United Kingdom, before any person duly authorized to administer oaths there.

25. *Mode of granting licences.* Any licence or certificate to be granted by the Commissioners under this or any other Act for the time being in force relating to duties may be granted by such officer or person, as the Commissioners may authorize in that behalf.

26. *Recovery of fines.* All fines imposed by this Act or by any Act for the time being in force relating to stamp duties charged in respect of medicines or playing cards may be proceeded for and recovered in the same manner and in the case of summary proceedings with the like power of appeal as any fine or penalty under any Act relating to the exercise.

27. *Definitions.* In this Act, unless the context otherwise requires,—

The expression "Commissioners" means Commissioners of Inland Revenue:

The expression "officer" means officer of Inland Revenue:

The expression "chief office" means chief office of Inland Revenue:

The expression "head offices" means the head offices of Inland Revenue in Edinburgh and Dublin:

The expression "duty" means any stamp duty for the time being chargeable by law:

The expression "material" includes every sort of material upon which words or figures can be expressed:

The expression "instrument" includes every written document:

The expression "die" includes any plate, type, tool, or implement whatever used under the direction of the Commissioners for expressing or denoting any duty, or rate of duty, or the fact that any duty or rate of duty or penalty has been paid, or that an instrument is duly stamped, or is not chargeable with any duty or for denoting any fee, and also any part of any such plate, type, tool, or implement:

The expressions "forge" and "forged" include counterfeit and counterfeited:

The expression "stamp" means as well a stamp impressed by means of a die as an adhesive stamp for denoting any duty or fee:

The expression "stamped" is applicable as well to instruments and material impressed with stamps by means of a die as to instruments and material having adhesive stamps affixed thereto:

The expressions "executed" and "execution," with reference to instruments not under seal, mean signed and signature:

The expression "justice" means justice of the peace.

Repeal, Commencement, Short Title.

28. *Repeal.* The enactments specified in the schedule to this Act are hereby repealed from and after the commencement of this Act to the extent specified in the third column of that schedule.

Provided that all bonds and securities given under or in pursuance of any enactment hereby repealed shall have the same effect as if they had been given in pursuance of this Act.

29. *Commencement.* This Act shall come into operation on the first day of January, one thousand eight hundred and ninety-two.

30. *Short title.* This Act may be cited as the Stamp Duties Management Act, 1891.

[Section 28.]

SCHEDULE.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
39 & 40 Geo. 3, c. 72.	An Act to amend several laws relating to the duties on stamped vellum, parchment, and paper.	The whole Act.
42 Geo. 3, c. 56	An Act to repeal an Act passed in the twenty-fifth year of the reign of His present Majesty for granting stamp duties on certain medicines and for charging other duties in lieu thereof, and for making effectual provision for the better collection of the said duties.	Sections eighteen, twenty-five, and twenty eight.
52 Geo. 3, c. 150	An Act to amend an Act passed in the forty-fourth year of His Majesty's reign for granting stamp duties in Great Britain, so far as regards the duties granted on medicines and on licences for vending the same.	Section two, from "to be recovered," to the end of the section, and three.
55 Geo. 3, c. 184	An Act for repealing the stamp duties on deeds, law proceedings, and other written or printed instruments, and the duties on fire insurances, and on legacies and successions to personal estate upon intestacies now payable in Great Britain, and for granting other duties in lieu thereof.	Sections fifty-two and fifty-three.
3 & 4 Vict. c. 96	An Act for the regulation of the duties of postage.	Sections nineteen, twenty-one from "and all" to the end of the section, and twenty-two to thirty.
13 & 14 Vict. c. 97	An Act to repeal certain stamp duties, to grant others in lieu thereof, and to amend the laws relating to the stamp duties.	The whole Act.
23 & 24 Vict. c. 111	An Act for granting to Her Majesty certain duties of stamps, and to amend the law relating to the stamp duties.	Section twenty-two.
25 & 26 Vict. c. 22	An Act to continue certain duties of Customs and Inland Revenue for the service of Her Majesty, and to grant, alter, and repeal certain other duties.	Section forty-one.
30 & 31 Vict. c. 23	An Act to grant and alter certain duties of Customs and Inland Revenue, and for other purposes relating thereto.	Sections seventeen and eighteen.
33 & 34 Vict. c. 97	The Stamp Act, 1870.	Section twenty-five, so far as it relates to provision (3), and sections twenty-seven and twenty-eight.
33 & 34 Vict. c. 98	The Stamp Duties Management Act, 1870.	The whole Act.
38 & 39 Vict. c. 22	The Post Office Act, 1875.	The second, fourth, and fifth paragraphs of section six.
38 & 39 Vict. c. 23	The Customs and Inland Revenue Act, 1875.	Section thirteen.
45 & 46 Vict. c. 41	The Customs and Inland Revenue Act, 1882.	Sub-section three of section five.
45 & 46 Vict. c. 72	The Revenue Friendly Societies and National Debt Act, 1882.	Section fifteen.

CHAPTER 39.

[Stamp Act, 1891.]

An Act to consolidate the Enactments granting and relating to the Stamp Duties upon Instruments and certain other enactments relating to Stamp Duties.

[21st July 1891.]

Be it enacted, &c. :

PART I.

REGULATIONS APPLICABLE TO INSTRUMENTS GENERALLY.

Charge of Duty upon Instruments.

1. *Charge of duties in schedule.* From and after the commencement of this Act the stamp duties to be charged for the use of Her Majesty upon the several instruments specified in the First Schedule to this Act shall be the several duties in the said schedule specified, which duties shall be in substitution for the duties theretofore chargeable under the enactments repealed by this Act, and shall be subject to the exemptions contained in this Act and in any other Act for the time being in force.

2. *All duties to be paid according to regulations of Act.* All stamp duties for the time being chargeable by law upon any instruments are to be paid and denoted according to the regulations in this Act contained, and except where express provision is made to the contrary are to be denoted by impressed stamps only.

3. *How instruments are to be written and stamped.* (1.) Every instrument written upon stamped material is to be written in such manner, and every instrument partly or wholly written before being stamped is to be so stamped, that the stamp may appear on the face of the instrument, and cannot be used for or applied to any other instrument written upon the same piece of material.

(2.) If more than one instrument be written upon the same piece of material, every one of the instruments is to be separately and distinctly stamped with the duty with which it is chargeable.

4. *Instruments to be separately charged with duty in*

certain cases.] Except where express provision to the contrary is made by this or any other Act,—

(a.) An instrument containing or relating to several distinct matters is to be separately and distinctly charged, as if it were a separate instrument, with duty in respect of each of the matters;

(b.) An instrument made for any consideration in respect whereof it is chargeable with ad valorem duty, and also for any further or other valuable consideration or considerations, is to be separately and distinctly charged, as if it were a separate instrument, with duty in respect of each of the considerations.

5. *Facts and circumstances affecting duty to be set forth in instruments.* All the facts and circumstances affecting the liability of any instrument to duty, or the amount of the duty with which any instrument is chargeable, are to be fully and truly set forth in the instrument; and every person who, with intent to defraud Her Majesty,

(a.) executes any instrument in which all the said facts and circumstances are not fully and truly set forth; or

(b.) being employed or concerned in or about the preparation of any instrument, neglects or omits fully and truly to set forth therein all the said facts and circumstances;

shall incur a fine of ten pounds.

6. *Mode of calculating ad valorem duty in certain cases.* (1.) Where an instrument is chargeable with ad valorem duty in respect of—

(a.) any money in any foreign or colonial currency, or

(b.) any stock or marketable security, the duty shall be calculated on the value, on the day of the date of the instrument, of the money in British currency according to the current rate of exchange, or of the stock or security according to the average price thereof.

(2.) Where an instrument contains a statement of current rate of exchange, or average price, as the case may require, and is stamped in accordance with that statement, it is, so far as regards the

subject matter of the statement, to be deemed duly stamped, unless or until it is shewn that the statement is untrue, and that the instrument is in fact insufficiently stamped.

Use of Adhesive Stamps.

7. *Certain adhesive stamps to be applicable to instruments and postal purposes.* Any stamp duties of an amount not exceeding two shillings and sixpence upon instruments which are permitted by law to be denoted by adhesive stamps not appropriated by any word or words on the face of them to any particular description of instrument, and any postage duties of the like amount, may be denoted by the same adhesive stamps.

8. *General direction as to the cancellation of adhesive stamps.* (1.) An instrument, the duty upon which is required or permitted by law to be denoted by an adhesive stamp, is not to be deemed duly stamped with an adhesive stamp, unless the person required by law to cancel the adhesive stamp cancels the same by writing on or across the stamp his name or initials, or the name or initials of his firm, together with the true date of his so writing, or otherwise effectively cancels the stamp and renders the same incapable of being used for any other instrument, or for any postal purpose, or unless it is otherwise proved that the stamp appearing on the instrument was affixed thereto at the proper time.

(2.) Where two or more adhesive stamps are used to denote the stamp duty upon an instrument, each or every stamp is to be cancelled in the manner aforesaid.

(3.) Every person who, being required by law to cancel an adhesive stamp, neglects or refuses duly and effectually to do so in the manner aforesaid, shall incur a fine of ten pounds.

9. *Penalty for frauds in relation to adhesive stamps.* (1.) If any person—

(a.) Fraudently removes or causes to be removed from any instrument any adhesive stamp, or affixes to any other instrument or uses for any postal purpose any adhesive stamp which has been so removed, with intent that the

stamp may be used again; or
(b.) Sells or offers for sale, or utters, any adhesive stamp which has been so removed, or utters any instrument, having thereon any adhesive stamp which has to his knowledge been so removed as aforesaid;

he shall, in addition to any other fine or penalty to which he may be liable, incur a fine of fifty pounds.

(2.) The expression "instrument" in this section includes any post letter as defined by the Post Office Protection Act, 1884 [47 & 48 Vict. c. 76], and the cover of any post letter.

Appropriated Stamps and Denoting Stamps.

10. *Appropriated Stamps.* (1.) A stamp which by any word or words on the face of it is appropriated to any particular description of instrument is not to be used, or, if used, is not to be available, for an instrument of any other description.

(2.) An instrument falling under the particular description to which any stamp is so appropriated as aforesaid is not to be deemed duly stamped, unless it is stamped with the stamp so appropriated.

11. *Denoting stamps.* Where the duty with which an instrument is chargeable depends in any manner upon the duty paid upon another instrument, the payment of the last-mentioned duty shall, upon application to the Commissioners and production of both the instruments, be denoted upon the first-mentioned instrument in such manner as the Commissioners think fit.

Adjudication Stamps.

12. *Assessment of duty by Commissioners.* (1.) Subject to such regulations as the Commissioners may think fit to make, the Commissioners may be required by any person to express their opinion with reference to any executed instrument upon the following questions:

- (a.) Whether it is chargeable with any duty;
- (b.) With what amount of duty it is chargeable.

(2.) The Commissioners may require to be furnished with an abstract of the instrument, and also with such evidence as they may deem necessary, in order to shew to their satisfaction whether all the facts and circumstances affecting the liability of the instrument to duty, or the amount of the duty chargeable thereon, are fully and truly set forth therein.

(3.) If the Commissioners are of opinion that the instrument is not chargeable with any duty, it may be stamped with a particular stamp denoting that it is not chargeable with any duty.

(4.) If the Commissioners are of opinion that the instrument is chargeable with duty, they shall assess the duty with which it is in their opinion chargeable, and when the instrument is stamped in accordance with the assessment it may be stamped with a particular stamp denoting that it is duly stamped.

(5.) Every instrument stamped with the particular stamp denoting either that it is not chargeable with any duty, or is duly stamped, shall be admissible in evidence, and available for all purposes notwithstanding any objection relating to duty.

(6.) Provided as follows:

(a.) An instrument upon which the duty has been assessed by the Commissioners shall not, if it is unstamped or insufficiently stamped, be stamped otherwise than in accordance with the assessment:

(b.) Nothing in this section shall extend to any instrument chargeable with ad valorem duty and made as a security for money or stock without limit; or shall authorize the stamping after the execution thereof of any instrument which by law cannot be stamped after execution:

(c.) A statutory declaration made for the purpose of this section shall not be used against any person making the same in any proceeding whatever, except in an inquiry as to the duty with which the instrument to which it relates is chargeable; and every person by whom any such declaration is made shall, on payment of the duty chargeable upon the instrument to which it relates, be relieved from any fine or disability to which he may

be liable by reason of the omission to state truly in the instrument any fact or circumstance required by this Act to be stated therein.

13. *Persons dissatisfied may appeal.* (1.) Any person who is dissatisfied with the assessment of the Commissioners may, within twenty-one days after the date of the assessment, and on payment of duty in conformity therewith, appeal against the assessment to the High Court of the part of the United Kingdom in which the case has arisen, and may for that purpose require the Commissioners to state and sign a case, setting forth the question upon which their opinion was required, and the assessment made by them.

(2.) The Commissioners shall thereupon state and sign a case and deliver the same to the person by whom it is required, and the case may, within seven days thereafter, be set down by him for hearing.

(3.) Upon the hearing of the case the court shall determine the question submitted, and, if the instrument in question is in the opinion of the court chargeable with any duty, shall assess the duty with which it is chargeable.

(4.) If it is decided by the court that the assessment of the Commissioners is erroneous, any excess of duty which may have been paid in conformity with the erroneous assessment, together with any fine or penalty which may have been paid in consequence thereof, shall be ordered by the court to be repaid to the appellant with or without costs as the court may determine.

(5.) If the assessment of the Commissioners is confirmed, the court may make an order for payment to the Commissioners of the costs incurred by them in relation to the appeal.

Production of Instruments in Evidence.

14. *Terms upon which instruments not duly stamped may be received in evidence.* (1.) Upon the production of an instrument chargeable with any duty as evidence in any court of civil judicature in any part of the United Kingdom, or before any arbitrator or referee, notice shall be taken by the judge, arbitrator, or referee of any omission or insufficiency of the stamp thereon, and if the instrument is one which may legally be stamped after the execution thereof, it may, on payment to the officer of the court whose duty it is to read the instrument, or to the arbitrator or referee, of the amount of the unpaid duty, and the penalty payable on stamping the same, and of a further sum of one pound, be received in evidence, saving all just exceptions on other grounds.

(2.) The officer, or arbitrator, or referee receiving the duty and penalty shall give a receipt for the same, and make an entry in a book kept for that purpose of the payment and of the amount thereof, and shall communicate to the Commissioners the name or title of the proceeding in which, and of the party from whom, he received the duty and penalty, and the date and description of the instrument, and shall pay over to such person as the Commissioners may appoint the money received by him for the duty and penalty.

(3.) On production to the Commissioners of any instrument in respect of which any duty or penalty has been paid, together with the receipt, the payment of the duty and penalty shall be denoted on the instrument.

(4.) Save as aforesaid, an instrument executed in any part of the United Kingdom, or relating, whosoever executed, to any property situate, or to any matter or thing done or to be done, in any part of the United Kingdom, shall not, except in criminal proceedings, be given in evidence, or be available for any purpose whatever, unless it is duly stamped in accordance with the law in force at the time when it was first executed.

Stamping of Instruments after Execution.

15. *Penalty upon stamping instruments after execution.* (1.) Save where other express provision is in this Act made, any unstamped or insufficiently stamped instrument may be stamped after the execution thereof, on payment of the unpaid duty and a penalty of ten pounds, and also by way of further penalty, where the unpaid duty exceeds ten pounds, of interest on such duty, at the rate of five pounds per centum per annum, from the day upon

which the instrument was first executed up to the time when the amount of interest is equal to the unpaid duty.

(2.) In the case of such instruments herein-after mentioned as are chargeable with ad valorem duty, the following provisions shall have effect:

(a.) The instrument, unless it is written upon duly stamped material, shall be duly stamped with the proper ad valorem duty before the expiration of thirty days after it is first executed, or after it has been first received in the United Kingdom in case it is first executed at any place out of the United Kingdom, unless the opinion of the Commissioners with respect to the amount of duty with which the instrument is chargeable has, before such expiration, been required under the provisions of this Act;

(b.) If the opinion of the Commissioners with respect to any such instrument has been required, the instrument shall be stamped in accordance with the assessment of the Commissioners within fourteen days after notice of the assessment:

(c.) If any such instrument executed after the sixteenth day of May one thousand eight hundred and eighty-eight has not been or is not duly stamped in conformity with the foregoing provisions of this sub-section, the person in that behalf herein-after specified shall incur a fine of ten pounds, and in addition to the penalty payable on stamping the instrument there shall be paid a further penalty equivalent to the stamp duty thereon, unless a reasonable excuse for the delay in stamping, or the omission to stamp, or the insufficiency of stamp, be afforded to the satisfaction of the Commissioners, or of the court, judge, arbitrator, or referee before whom it is produced:

(d.) The instruments and persons to which the provisions of this sub-section are to apply are as follows:—

Title of instrument as described in the First Schedule to this Act.	Person liable to Penalty.
Bond, covenant, or instrument of any kind whatsoever.	The obligee, covenantee, or other person taking the security.
Conveyance on sale.	The vendee or transferee.
Lease or tack.	The lessee.
Mortgage, bond, debenture, covenant, and warrant of attorney to confess and enter up judgment.	The mortgagee or obligee; in the case of a transfer or reconveyance, the transferee, assignee, or disponee, or the person redeeming the security.
Settlement.	The settlor.

(3.) Provided that save where other express provision is made by this Act in relation to any particular instrument:

(a.) Any unstamped or insufficiently stamped instrument which has been first executed at any place out of the United Kingdom, may be stamped, at any time within thirty days after it has been first received in the United Kingdom, on payment of the unpaid duty only: and

(b.) The Commissioners may, if they think fit, at any time within three months after the first execution of any instrument, mitigate or remit any penalty payable on stamping.

(4.) The payment of any penalty payable on stamping is to be denoted on the instrument by a particular stamp.

Entries upon Rolls, Books, &c.

16. *Rolls, books, &c., to be open to inspection.* Every public officer having in his custody any rolls, books, records, papers, documents, or proceedings, the inspection whereof may tend to secure any duty, or to prove or lead to the discovery of any fraud or omission in relation to any duty, shall at all reasonable times permit any person thereto authorized by the Commissioners to inspect the

rolls, books, records, papers, documents, and proceedings, and to take such notes and extracts as he may deem necessary, without fee or reward, and in case of refusal shall for every offence incur a fine of ten pounds.

17. *Penalty for enrolling, &c., instrument not duly stamped.*] If any person whose office it is to enrol, register, or enter in or upon any rolls, books, or records any instrument chargeable with duty, enrolls, registers, or enters any such instrument not being duly stamped, he shall incur a fine of ten pounds.

PART II.

REGULATIONS APPLICABLE TO PARTICULAR INSTRUMENTS.

Admissions.

18. *Mode of denoting duty.*] The duty payable upon an admission is to be denoted on the instrument of admission delivered to the person admitted, if there be any such instrument, or if not, on the register, entry, or memorandum of the admission in the rolls, books, or records of the court, inn, college, borough, burgh, company, corporation, guild, or society in which the admission is made, and in cases in which no instrument of admission is delivered, and no register, entry, or memorandum is made, on the receipt or warrant for admission.

19. *Penalty on officers for neglect to make duly stamped documents or entries.*] If any person whose office it is to prepare or deliver out any instrument of admission chargeable with duty, or to register, enter, or make any memorandum of any admission in respect of which no instrument of admission is delivered to the person admitted, neglects or refuses, within one month after the admission, to prepare a duly stamped instrument of admission, or to make a duly stamped register, entry, or memorandum of the admission, as the case may require, he shall incur a fine of ten pounds.

Admissions to the Degree of a Barrister-at-Law in Ireland, and of Students to the Society of King's Inns, in Dublin.

20. *Distinct accounts to be kept of certain sums payable to King's Inns, Dublin.*] Distinct accounts are to be kept of the sums following; that is to say,—

- (a.) Ten pounds, part of the duty of fifty pounds payable on the admission to the degree of a barrister-at-law in Ireland of a person not previously admitted to that degree in England, or as an advocate in Scotland;
- (b.) Ten pounds, payable for duty on the like admission of a person who has been previously admitted to the said degree in England, or as an advocate in Scotland;
- (c.) Ten pounds, part of the duty payable on the admission of a person as a student of the Society of King's Inns, in Dublin:

And the said sums are respectively to be paid over by the Commissioners to the treasurer of the Society of King's Inns, in Dublin, to be applied by him according to the directions of the society.

21. *Admission of member of Inn of Court as student of King's Inns.*] If any person who has been duly admitted a member of one of the Inns of Court in England is afterwards duly admitted a student of the Society of King's Inns in Dublin, the duty paid by him in respect of his former admission is, on application made within six months after the last admission, to be allowed and returned to him.

Agreements.

22. *Duty may be denoted by adhesive stamp.*] The duty of sixpence upon an agreement may be denoted by an adhesive stamp, which is to be cancelled by the person by whom the agreement is first executed.

23. *Certain mortgages of stock to be chargeable as agreements.*] (1.) Every instrument under hand only (not being a promissory note or bill of exchange) given upon the occasion of the deposit of any share warrant or stock certificate to bearer, or foreign or colonial share certificate, or any security for money transferable by delivery, by way of security for any loan, shall be deemed to be an agreement, and shall be charged with duty accordingly.

(2.) Every instrument under hand only (not

being a promissory note or bill of exchange) making redeemable or qualifying a duly stamped transfer, intended as a security, of any registered stock or marketable security, shall be deemed to be an agreement, and shall be charged with duty accordingly.

(3.) A release or discharge of any such instrument shall not be chargeable with any ad valorem duty.

Appraisements.

24. *Appraisements to be written out.*] (1.) Every appraiser, by whom an appraisement or valuation chargeable with stamp duty is made, shall, within fourteen days after the making thereof, write out the same, in words and figures shewing the full amount thereof, upon duly stamped material, and if he neglects or omits so to do, or in any other manner discloses the amount of the appraisement or valuation, he shall incur a fine of fifty pounds.

(2.) Every person who receives from any appraiser, or pays for the making of, any such appraisement or valuation, shall, unless the same be written out and stamped as aforesaid, incur a fine of twenty pounds.

Instruments of Apprenticeship.

25. *Meaning of instrument of apprenticeship.*] Every writing relating to the service or tuition of any apprentice, clerk, or servant placed with any master to learn any profession, trade, or employment (except articles of clerkship to a solicitor or law agent or writer to the signet) is to be deemed an instrument of apprenticeship.

Articles of Clerkship.

26. *Articles in Scotland not to be charged with more than one duty of £60.*] (1.) Where the same articles are a qualification for the admission of any person as a law agent to practise before the Court of Session, and also as a law agent to practise before a sheriff court in Scotland, the articles are not to be charged with any further duty than sixty pounds.

(2.) Where any person has become bound by duly stamped articles in order to his admission as a law agent to practise before a sheriff court in Scotland, the articles shall, on payment of such further amount of duty as, together with the amount previously paid thereon, will make up the sum of sixty pounds, be impressed with a stamp denoting the payment of the further duty, and shall thereupon be considered to be sufficiently stamped for entitling the person to admission as a law agent to practise before the Court of Session.

27. *Terms upon which articles may be stamped after execution.*] Save as herein-before provided, articles of clerkship are not to be stamped at any time after the date thereof, except upon payment of penalties, as follows:

- (a.) If brought to be stamped within one year after date, ten pounds;
- (b.) If so brought after one year, and within five years after date,—
For every complete year, and also for any additional part of a year elapsed since the date, ten pounds;
- (c.) In every other case, fifty pounds.

28. *Distinct account to be kept of £14 payable to King's Inns.*] The sum of fourteen pounds, part of the duty payable on articles of clerkship in Ireland, shall be carried to a separate account, and paid over by the Commissioners to the treasurer of the Society of King's Inns in Dublin, to be applied by him according to the directions of the said society.

Bank Notes, Bills of Exchange, and Promissory Notes.

29. *Meaning of banker and bank note.*] For the purposes of this Act the expression "banker" means any person carrying on the business of banking in the United Kingdom, and the expression "Bank note" includes—

- (a.) Any bill of exchange or promissory note issued by any banker, other than the Bank of England, for the payment of money not exceeding one hundred pounds to the bearer on demand; and
- (b.) Any bill of exchange or promissory note so issued which entitles or is intended to entitle the bearer or holder thereof, without

indorsement or without any further or other indorsement than may be thereon at the time of the issuing thereof, to the payment of money not exceeding one hundred pounds on demand, whether the same be so expressed or not and in whatever form, and by whomsoever the bill or note is drawn or made.

30. *Bank notes may be re-issued.*] A bank note issued duly stamped, or issued unstamped by a banker duly licensed or otherwise authorized to issue unstamped bank notes, may be from time to time re-issued without being liable to any stamp duty by reason of the re-issuing.

31. *Penalties for issuing or receiving an unstamped bank note.*] (1.) If any banker, not being duly licensed or otherwise authorized to issue unstamped bank notes, issues, or permits to be issued, any bank note not being duly stamped, he shall incur a fine of fifty pounds.

(2.) If any person receives or takes in payment or as a security any bank note issued unstamped contrary to law, knowing the same to have been so issued, he shall incur a fine of twenty pounds.

32. *Meaning of "bill of exchange."*] For the purposes of this Act the expression "bill of exchange" includes draft, order, cheque, and letter of credit, and any document or writing (except a bank note) entitling or purporting to entitle any person, whether named therein or not, to payment by any other person of, or to draw upon any other person for, any sum of money; and the expression "bill of exchange payable on demand" includes—

- (a.) An order for the payment of any sum of money by a bill of exchange or promissory note, or for the delivery of any bill of exchange or promissory note in satisfaction of any sum of money, or for the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen; and
- (b.) An order for the payment of any sum of money weekly, monthly, or at any other stated periods, and also an order for the payment by any person at any time after the date thereof of any sum of money, and sent or delivered by the person making the same to the person by whom the payment is to be made, and not to the person to whom the payment is to be made, or to any person on his behalf.

33. *Meaning of "promissory note."*] (1.) For the purposes of this Act the expression "promissory note" includes any document or writing (except a bank note) containing a promise to pay any sum of money.

(2.) A note promising the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen, is to be deemed a promissory note for that sum of money.

34. *Provision for use of adhesive stamps on bills and notes.*] (1.) The fixed duty of one penny on a bill of exchange payable on demand or at sight or on presentation may be denoted by an adhesive stamp, which, where the bill is drawn in the United Kingdom, is to be cancelled by the person by whom the bill is signed before he delivers it out of his hands, custody, or power.

(2.) The ad valorem duties upon bills of exchange and promissory notes drawn or made out of the United Kingdom are to be denoted by adhesive stamps.

35. *Provisions as to stamping foreign bills and notes.*] (1.) Every person into whose hands any bill of exchange or promissory note drawn or made out of the United Kingdom comes into the United Kingdom before it is stamped shall, before he presents for payment, or indorses, transfers, or in any manner negotiates, or pays the bill or note, affix thereto a proper adhesive stamp or proper adhesive stamps of sufficient amount, and cancel every stamp so affixed thereto.

(2.) Provides as follows:

- (a.) If at the time when any such bill or note comes into the hands of any bona fide holder

there is affixed thereto an adhesive stamp effectually cancelled, the stamp shall, so far as relates to the holder, be deemed to be duly cancelled, although it may not appear to have been affixed or cancelled by the proper person;

- (b.) If at the time when any such bill or note comes into the hands of any bona fide holder there is affixed thereto an adhesive stamp not duly cancelled, it shall be competent for the holder to cancel the stamp as if he were the person by whom it was affixed, and upon his so doing the bill or note shall be deemed duly stamped, and as valid and available as if the stamp had been cancelled by the person by whom it was affixed.

(3.) But neither of the foregoing provisions is to relieve any person from any fine or penalty incurred by him for not cancelling an adhesive stamp.

36. *As to bills and notes purporting to be drawn abroad.* A bill of exchange or promissory note which purports to be drawn or made out of the United Kingdom is, for the purpose of determining the mode in which the stamp duty thereon is to be denoted, to be deemed to have been so drawn or made, although it may in fact have been drawn or made within the United Kingdom.

37. *Terms upon which bills and notes may be stamped after execution.* (1.) Where a bill of exchange or promissory note has been written on material bearing an impressed stamp of sufficient amount but of improper denomination, it may be stamped with the proper stamp on payment of the duty, and a penalty of forty shillings if the bill or note be not then payable according to its tenor, or of ten pounds if the same be so payable.

(2.) Except as aforesaid, no bill of exchange or promissory note shall be stamped with an impressed stamp after the execution thereof.

38. *Penalty for issuing, &c. any unstamped bill or note.* (1.) Every person who issues, indorses, transfers, negotiates, presents for payment, or pays any bill of exchange or promissory note liable to duty and not being duly stamped shall incur a fine of ten pounds, and the person who takes or receives from any other person any such bill or note either in payment for as a security, or by purchase or otherwise, shall not be entitled to recover thereon, or to make the same available for any purpose whatever.

(2.) Provided that if any bill of exchange payable on demand or at sight or on presentation, is presented for payment unstamped the person to whom it is presented may affix thereto an adhesive stamp of one penny, and cancel the same, as if he had been the drawer of the bill, and may thereupon pay the sum in the bill mentioned, and charge the duty in account against the person by whom the bill was drawn, or deduct the duty from the said sum, and the bill is, so far as respects the duty, to be deemed valid and available.

(3.) But the foregoing proviso is not to relieve any person from any fine or penalty incurred by him in relation to such bill.

39. *One bill only of a set need be stamped.* When a bill of exchange is drawn in a set according to the custom of merchants, and one of the set is duly stamped, the other or others of the set shall, unless issued or in some manner negotiated apart from the stamped bill, be exempt from duty; and upon proof of the loss or destruction of a duly stamped bill forming one of a set, any other bill of the set which has not been issued or in any manner negotiated apart from the lost or destroyed bill may, although unstamped, be admitted in evidence to prove the contents of the lost or destroyed bill.

Bills of Lading.

40. *Bills of lading.* (1.) A bill of lading is not to be stamped after the execution thereof.

(2.) Every person who makes or executes any bill of lading not duly stamped shall incur a fine of fifty pounds.

Bills of Sale.

41. *Bills of sale.* A bill of sale is not to be registered under any Act for the time being in force relating to the registration of bills of sale unless the original, duly stamped, is produced to the proper officer

Bonds given in Relation to the Duties of Excise.

42. *Bonds not to include goods, &c. belonging to more than one person.* If any person required by any Act for the time being in force or by the Commissioners, or any of their officers, to give or enter into any bond for or in respect of any duty of excise, or for preventing any fraud or evasion in relation to any such duty, or for any matter or thing relating thereto, includes in one and the same bond any goods or things belonging to more persons than one, not being partners or joint tenants, or tenants in common, he shall for every offence incur a fine of fifty pounds.

Certificates of Solicitors and others.

43. *Penalty for practising without certificate, or making false statement on application for certificate.* (1.) Every person who in any part of the United Kingdom—

(a.) Directly or indirectly acts or practises as a solicitor or law agent in any court, or as a notary public, without having in force at the time a duly stamped certificate; or

(b.) On applying for his certificate does not truly specify the facts and circumstances upon which the amount of duty chargeable upon the certificate depends:

shall incur a fine of fifty pounds, and shall be incapable of maintaining any action or suit for the recovery of any fee, reward, or disbursement on account of or in relation to any act or proceeding done or taken by him in any such capacity.

(2.) Every person in whose name, either alone or together with any other person, any proceeding is taken in any court, shall, unless the proceeding is set aside by the court as irregular, or unless the contrary is otherwise satisfactorily proved, be deemed to have acted in the proceeding.

(3.) Nothing in this Act shall require a stamped certificate to be taken out by a person who is by law authorized to act as solicitor of a public department without admission, or by any assistant or clerk or officer appointed to act under the direction of such solicitor.

44. *Penalty on unqualified persons preparing instruments.* Every person who (not being a barrister, or a duly certificated solicitor, law agent, writer to the signet, notary public, conveyancer, special pleader, or draftsman in equity) either directly or indirectly, for or in expectation of any fee, gain, or reward, draws or prepares any instrument relating to real or personal estate, or any proceeding in law or equity, shall incur a fine of fifty pounds.

Provided as follows:

(1.) This section does not extend to—

(a.) Any public officer drawing or preparing instruments in the course of his duty; or

(b.) Any person employed merely to engross any instrument or proceeding.

(2.) The expression "instrument" in this section does not include—

(a.) A will or other testamentary instrument; or

(b.) An agreement under hand only; or

(c.) A letter or power of attorney; or

(d.) A transfer of stock containing no trust or limitation thereof.

45. *One certificate only required.* It shall not be necessary for any person required to take out a stamped certificate to take out in England, or in Scotland, or in Ireland more than one certificate for any one year.

46. *Solicitors certificates in England and Ireland.* The certificates of solicitors in England and Ireland are to be applied for, taken out, issued, dated, and stamped,—

(a.) In England, in accordance with the provisions in that behalf of the Solicitors Acts, 1843, 1860, 1877, and 1888;

(b.) In Ireland, in accordance with the provisions in that behalf of the Attorneys and Solicitors Act, Ireland, 1866.

47. *Other certificates.* Every person required to take out a certificate to authorize him to practise:—

(a.) In Scotland, as a law agent or writer to the signet; or

(b.) In England or Ireland, as a conveyancer, special pleader, or draftsman in equity; or

(c.) In any part of the United Kingdom, as a notary public;

shall in every year before he does any act in any of the aforesaid capacities, deliver to the Commissioners, or to their proper officer, in such manner and form as they direct, a note in writing stating his full name and the place where he carries on his business, and thereupon, and upon payment of the proper duty, shall be entitled to a certificate, which is to be duly stamped and issued to him by the Commissioners.

48. *Date and duration of certain certificates.* The certificates in this section specified are to be dated and to expire at the times herein-after in that behalf mentioned; that is to say,

(a.) The certificates of law agents, writers to the signet, and notaries public in Scotland, and of conveyancers, special pleaders, and draftsmen in equity in England, are to be dated, if taken out between the thirty-first of October and the first of December, on the first of November, and if taken out at any other time, on the day on which they are issued, and are in all cases to expire on the thirty-first of October next after their date.

(b.) The certificates of notaries public in England are to be dated, if taken out between the fifteenth of November and the sixteenth of December, on the sixteenth of November, and if taken out at any other time, on the day on which they are issued, and are in all cases to expire on the fifteenth of November next after their date.

(c.) The certificates of conveyancers, special pleaders, draftsmen in equity, and notaries public in Ireland are to be dated on the day on which they are issued, and are to expire, as to the certificates of notaries public, on the twenty-fifth day of March next after their date, and in all other cases on the sixth day of January next after their date.

Charter-parties.

49. *Provisions as to duty on charter-party.* (1.) For the purposes of this Act the expression "charter-party" includes any agreement or contract for the charter of any ship or vessel or any memorandum, letter, or other writing between the captain, master, or owner of any ship or vessel, and any other person for or relating to the freight or conveyance of any money, goods, or effects on board of the ship or vessel.

(2.) The duty upon a charter-party may be denoted by an adhesive stamp, which is to be cancelled by the person by whom the instrument is last executed, or by whose execution it is completed as a binding contract.

50. *Charter-parties executed abroad.* Where a charter-party is first executed out of the United Kingdom without being duly stamped, any party thereto may, within ten days after it has been first received in the United Kingdom, and before it has been executed by any person in the United Kingdom, affix thereto an adhesive stamp denoting the duty chargeable thereon, and at the same time cancel such adhesive stamp, and the instrument when so stamped shall be deemed duly stamped.

51. *Terms upon which charter-parties may be stamped after execution.* A charter-party may be stamped with an impressed stamp after execution upon the following terms; that is to say,

(1.) Within seven days after the first execution thereof, on payment of the duty and a penalty of four shillings and sixpence;

(2.) After seven days, but within one month after the first execution thereof, on payment of the duty and a penalty of ten pounds; and shall not in any other case be stamped with an impressed stamp.

Contract Notes.

52. *Provisions as to contract notes.* (1.) For the purposes of this Act the expression "contract note" means the note sent by a broker or agent to his principal (except where such principal is acting as broker or agent for a principal) advising him of the sale or purchase of any stock or marketable security.

(2.) Where a note advises the sale or purchase of

more than one description of stock or marketable security, the note shall be deemed to be as many contract notes as there are descriptions of stock or security sold or purchased.

(3.) The duty of one penny on a contract note may be denoted by an adhesive stamp, and the duty of sixpence on a contract note is to be denoted by an adhesive stamp appropriated to a contract note.

(4.) Every adhesive stamp on a contract note is to be cancelled by the person by whom the note is executed.

53. Penalty for not making a stamped note.] (1.) Any person who effects any sale or purchase of any stock or marketable security, of the value of five pounds or upwards, as a broker or agent, shall forthwith make and execute a contract note and transmit the same to his principal, and in default of so doing shall incur a fine of twenty pounds.

(2.) Every person who makes or executes any contract note chargeable with duty, and not being duly stamped, shall incur a fine of twenty pounds.

(3.) No broker, agent, or other person shall have any legal claim to any charge for brokerage, commission, or agency with reference to the sale or purchase of any stock or marketable security of the value of five pounds or upwards mentioned or referred to in any contract note, unless the note is duly stamped.

(4.) The duty of sixpence upon a contract note may be added to the charge for brokerage or agency.

Conveyances on Sale.

54. Meaning of "conveyance on sale."] For the purposes of this Act the expression "conveyance on sale" includes every instrument, and every decree or order of any court or of any commissioners, whereby any property, or any estate or interest in any property, upon the sale thereof is transferred to or vested in a purchaser, or any other person on his behalf or by his direction.

55. How ad valorem duty to be calculated in respect of stock and securities.] (1.) Where the consideration, or any part of the consideration, for a conveyance on sale consists of any stock or marketable security, the conveyance is to be charged with ad valorem duty in respect of the value of the stock or security.

(2.) Where the consideration, or any part of the consideration, for a conveyance on sale consists of any security not being a marketable security, the conveyance is to be charged with ad valorem duty in respect of the amount due on the day of the date thereof for principal and interest upon the security.

56. How consideration consisting of periodical payments to be charged.] (1.) Where the consideration, or any part of the consideration, for a conveyance on sale consists of money payable periodically for a definite period not exceeding twenty years, so that the total amount to be paid can be previously ascertained, the conveyance is to be charged in respect of that consideration with ad valorem duty on such total amount.

(2.) Where the consideration, or any part of the consideration, for a conveyance on sale consists of money payable periodically for a definite period exceeding twenty years or in perpetuity, or for any indefinite period not terminable with life, the conveyance is to be charged in respect of that consideration with ad valorem duty on the total amount which will or may, according to the terms of sale, be payable during the period of twenty years next after the day of the date of the instrument.

(3.) Where the consideration, or any part of the consideration, for a conveyance on sale consists of money payable periodically during any life or lives, the conveyance is to be charged in respect of that consideration with ad valorem duty on the amount which will or may, according to the terms of sale, be payable during the period of twelve years next after the day of the date of the instrument.

(4.) Provided that no conveyance on sale chargeable with ad valorem duty in respect of any periodical payments, and containing also provision for securing the payments, is to be charged with any duty in respect of such provision, and no separate instrument made in that case for securing the payments is to be charged with any higher duty than ten shillings.

57. How conveyance in consideration of a debt, &c., to be charged.] Where any property is conveyed to any person in consideration, wholly or in part, of any debt due to him, or subject either certainly or contingently to the payment or transfer of any money or stock, whether being or constituting a charge or incumbrance upon the property or not, the debt, money, or stock is to be deemed the whole or part, as the case may be, of the consideration in respect whereof the conveyance is chargeable with ad valorem duty.

58. Direction as to duty in certain cases.] (1.) Where property contracted to be sold for one consideration for the whole is conveyed to the purchaser in separate parts or parcels by different instruments, the consideration is to be apportioned in such manner as the parties think fit, so that a distinct consideration for each separate part or parcel is set forth in the conveyance relating thereto, and such conveyance is to be charged with ad valorem duty in respect of such distinct consideration.

(2.) Where property contracted to be purchased for one consideration for the whole by two or more persons jointly, or by any person for himself and others, or wholly for others, is conveyed in parts or parcels by separate instruments to the persons by or for whom the same was purchased for distinct parts of the consideration, the conveyance of each separate part or parcel is to be charged with ad valorem duty in respect of the distinct part of the consideration therein specified.

(3.) Where there are several instruments of conveyance for completing the purchaser's title to property sold, the principal instrument of conveyance only is to be charged with ad valorem duty, and the other instruments are to be respectively charged with such other duty as they may be liable to, but the last-mentioned duty shall not exceed the ad valorem duty payable in respect of the principal instrument.

(4.) Where a person having contracted for the purchase of any property, but not having obtained a conveyance thereof, contracts to sell the same to any other person, and the property is in consequence conveyed immediately to the sub-purchaser, the conveyance is to be charged with ad valorem duty in respect of the consideration moving from the sub-purchaser.

(5.) Where a person having contracted for the purchase of any property but not having obtained a conveyance contracts to sell the whole, or any part or parts thereof, to any other person or persons, and the property is in consequence conveyed by the original seller to different persons in parts or parcels, the conveyance of each part or parcel is to be charged with ad valorem duty in respect only of the consideration moving from the sub-purchaser thereof, without regard to the amount or value of the original consideration.

(6.) Where a sub-purchaser takes an actual conveyance of the interest of the person immediately selling to him, which is chargeable with ad valorem duty in respect of the consideration moving from him, and is duly stamped accordingly, any conveyance to be afterwards made to him of the same property by the original seller shall be chargeable only with such other duty as it may be liable to, but the last mentioned duty shall not exceed the ad valorem duty.

59. Certain contracts to be chargeable as conveyances on sale.] (1.) Any contract or agreement made in England or Ireland under seal, or under hand only, or made in Scotland, with or without any clause of registration, for the sale of any equitable estate or interest in any property whatsoever, or for the sale of any estate or interest in any property except lands, tenements, hereditaments, or heritages, or property locally situate out of the United Kingdom, or goods, wares or merchandise, or stock, or marketable securities, or any ship or vessel, or part interest, share, or property of or in any ship or vessel, shall be charged with the same ad valorem duty, to be paid by the purchaser, as if it were an actual conveyance on sale of the estate, interest, or property contracted or agreed to be sold.

(2.) Where the purchaser has paid the said ad valorem duty and before having obtained a conveyance or transfer of the property, enters into a contract or agreement for the sale of the same, the contract or agreement shall be charged, if

the consideration for that sale is in excess of the consideration for the original sale, with the ad valorem duty payable in respect of such excess consideration, and in any other case with the fixed duty of ten shillings or of sixpence, as the case may require.

(3.) Where duty has been duly paid in conformity with the foregoing provisions, the conveyance or transfer made to the purchaser or sub-purchaser, or any other person on his behalf or by his direction, shall not be chargeable with any duty, and the Commissioners, upon application, either shall denote the payment of the ad valorem duty upon the conveyance or transfer, or shall transfer the ad valorem duty thereto upon production of the contract or agreement, or contracts or agreements, duly stamped.

(4.) Provided that where any such contract or agreement is stamped with the fixed duty of ten shillings or of sixpence, as the case may require, the contract or agreement shall be regarded as duly stamped for the mere purpose of proceedings to enforce specific performance or recover damages for the breach thereof.

(5.) Provided also that where any such contract or agreement is stamped with the said fixed duty, and a conveyance or transfer made in conformity with the contract or agreement is presented to the Commissioners for stamping with the ad valorem duty chargeable thereon within the period of six months after the first execution of the contract or agreement, or within such longer period as the Commissioners may think reasonable in the circumstances of the case, the conveyance or transfer shall be stamped accordingly, and the same, and the said contract or agreement, shall be deemed to be duly stamped. Nothing in this proviso shall alter or affect the provisions as to the stamping of a conveyance or transfer after the execution thereof.

(6.) Provided also, that the ad valorem duty paid upon any such contract or agreement shall be returned by the Commissioners in case the contract or agreement be afterwards rescinded or annulled, or for any other reason be not substantially performed or carried into effect, so as to operate as or be followed by a conveyance or transfer.

60. As to sale of an annuity or right not before in existence.] Where upon the sale of any annuity or other right not before in existence such annuity or other right is not created by actual grant or conveyance, but is only secured by bond, warrant of attorney, covenant, contract, or otherwise, the bond or other instrument, or some one of such instruments, if there be more than one, is to be charged with the same duty as an actual grant or conveyance, and is for the purposes of this Act to be deemed an instrument of conveyance on sale.

61. Principal instrument, how to be ascertained.] (1.) In the cases herein-after specified the principal instrument is to be ascertained in the following manner:

(a.) Where any copyhold or customary estate is conveyed by a deed, no surrender being necessary, the deed is to be deemed the principal instrument:

(b.) In other cases of copyhold or customary estates, the surrender or grant, if made out of court, or the memorandum thereof, and the copy of court roll of the surrender or grant, if made in court, is to be deemed the principal instrument:

(c.) Where in Scotland there is a disposition or assignation executed by the seller, and any other instrument is executed for completing the title, the disposition or assignation is to be deemed the principal instrument.

(2.) In any other case the parties may determine for themselves which of several instruments is to be deemed the principal instrument, and may pay the ad valorem duty thereon accordingly.

Conveyances on any Occasion except Sale or Mortgage.

62. What is to be deemed a conveyance on any occasion, not being a sale or mortgage.] Every instrument, and every decree or order of any court or of any commissioners, whereby any property on any occasion, except a sale or mortgage, is transferred to or vested in any person, is to be charged with duty as a conveyance or transfer of property.

Provided that a conveyance or transfer made for effectuating the appointment of a new trustee is not to be charged with any higher duty than ten shillings.

Attested Copies and Extracts.

63. *Stamping of certain copies and extracts after attestation.* [An attested or otherwise authenticated copy or extract of or from—

- (1.) An instrument chargeable with any duty;
- (2.) An original will, testament, or codicil;
- (3.) The probate or probate copy of a will or codicil;
- (4.) Letters of administration or a confirmation of a testament;

may be stamped at any time within fourteen days after the date of the attestation or authentication on payment of the duty only.

Certified Copies and Extracts from Registers of Births, &c.

64. *Duty may be denoted by adhesive stamp.* [The duty upon a certified copy or extract of or from any register of births, baptisms, marriages, deaths, or burials is to be paid by the person requiring the copy or extract, and may be denoted by an adhesive stamp, which is to be cancelled by the person by whom the copy or extract is signed before he delivers the same out of his hands, custody, or power.

Copyhold and Customary Estates.

65. *Provisions as to payment of duty.* (1.) No instrument is to be charged more than once with duty by reason of relating to several distinct tenements, in respect whereof several fines or fees are due to the lord or steward of the manor.

(2.) The copy of court roll of a surrender or grant made out of court shall not be admissible or available as evidence of the surrender or grant, unless the surrender or grant, or the memorandum thereof, is duly stamped, of which fact the certificate of the steward of the manor on the face of the copy shall be sufficient evidence.

(3.) The entry upon the court rolls of a surrender or grant shall not be admissible or available as evidence of the surrender or grant unless the surrender or grant, if made out of court, or the memorandum thereof, or the copy of court roll of the surrender or grant, if made in court, is duly stamped, of which fact the certificate of the steward of the manor in the margin of the entry shall be sufficient evidence.

66. *Facts affecting duty to be stated in note.* (1.) All the facts and circumstances affecting the liability to duty of the copy of court roll of any surrender or grant made in court, or the amount of duty with which any such copy of court roll is chargeable, are to be fully and truly stated in a note to be delivered to the steward of the manor before the surrender or grant is made.

(2.) The steward of every manor shall refuse—

- (a.) To accept in court any surrender, or to make in court any grant, until such a note as is required by this section has been delivered to him; or
- (b.) To enter on the court rolls, or accept any presentment of, or admit any person to be tenant under or by virtue of, any surrender or grant made out of court, or any deed which is not duly stamped;

And in any case in which he does not so refuse shall incur a fine of fifty pounds.

(3.) If any person with intent to defraud Her Majesty,—

- (a.) Makes in court any surrender before such a note as aforesaid has been delivered to the steward of the manor; or
- (b.) Being employed or concerned in or about the preparation of any such note as aforesaid, neglects or omits fully and truly to state therein all the above-mentioned facts and circumstances;

he shall incur a fine of fifty pounds.

67. *Steward to make out duly stamped copies.* [The steward of every manor shall, within four months from the day on which any surrender or grant is made in court, make out a duly stamped copy of court roll of such surrender or grant, and have the same ready for delivery to the person entitled thereto, and in default of so doing shall incur a

fine of fifty pounds, and the duty payable in respect of the copy of court roll shall be a debt to Her Majesty from the steward, whether he has received it or not, and if he has not received the duty, the same shall also be a debt to Her Majesty from the person entitled to the copy.

68. *Steward may refuse to proceed except on payment of his fees and duty.* [The steward of any manor may, before he accepts in court any surrender or makes in court any grant, demand the payment of his lawful fees in relation to the surrender or grant, together with the duty payable on the copy of court roll thereof, and may refuse to proceed in the matter or to deliver the copy of court roll to any person until the fees and duty are paid.

Delivery Orders.

69. *Provisions as to duty on delivery order.* (1.) For the purposes of this Act the expression "delivery order" means any document or writing entitling, or intended to entitle, any person therein named, or his assigns, or the holder thereof, to the delivery of any goods, wares, or merchandise of the value of forty shillings or upwards lying in any dock or port, or in any warehouse in which goods are stored or deposited on rent or hire, or upon any wharf, such document or writing being signed by or on behalf of the owner of such goods, wares, or merchandise, upon the sale or transfer of the property therein.

(2.) A delivery order is to be deemed to have been given upon a sale of, or transfer of the property in, goods, wares, or merchandise of the value of forty shillings or upwards, unless the contrary is expressly stated therein.

(3.) The duty upon a delivery order may be denoted by an adhesive stamp, which is to be cancelled by the person by whom the instrument is made, executed, or issued.

70. *Penalty for use of unstamped or untrue order.* (1.) If any person—

- (a.) Untruly states, or knowingly allows to be untruly stated, in a delivery order, either that the transaction to which it relates is not a sale or transfer of property, or that the goods, wares, or merchandise to which it relates are not of the value of forty shillings; or
- (b.) Makes, signs, or issues any delivery order chargeable with duty, but not being duly stamped; or
- (c.) Knowingly, either himself, or by his servant or any other person, delivers, or procures, or authorizes the delivery of, any goods, wares, or merchandise mentioned in any delivery order which is not duly stamped, or which contains to his knowledge any false statement with reference either to the nature of the transaction, or the value of the goods, wares, or merchandise,

he shall incur a fine of twenty pounds.

(2.) But a delivery order is not, by reason of the same being unstamped, to be deemed invalid in the hands of the person having the custody of, or delivering out, the goods, wares, or merchandise therein mentioned, unless such person is proved to have been party or privy to some fraud on the revenue in relation thereto.

71. *By whom duty on delivery order to be paid.* [The duty upon a delivery order is, in the absence of any special stipulation, to be paid by the person to whom the order is given, and any person from whom a delivery order chargeable with duty is required may refuse to give it, unless or until the amount of the duty is paid to him.

Duplicates and Counterparts.

72. *Provisions as to duplicates and counterparts.* [The duplicate or counterpart of an instrument chargeable with duty (except the counterpart of an instrument chargeable as a lease, such counterpart not being executed by or on behalf of any lessor or grantor) is not to be deemed duly stamped unless it is stamped as an original instrument, or unless it appears by some stamp impressed thereon that the full and proper duty has been paid upon the original instrument of which it is the duplicate or counterpart.

Exchange and Partition or Division.

73. *As to exchange, &c.* [Where upon the exchange

of any real or heritable property for any other real or heritable property, or upon the partition or division of any real or heritable property, any consideration exceeding in amount or value one hundred pounds is paid or given, or agreed to be paid or given, for equality, the principal or only instrument whereby the exchange or partition or division is effected is to be charged with the same ad valorem duty as a conveyance on sale for the consideration, and with that duty only; and where in any such case there are several instruments for completing the title of either party, the principal instrument is to be ascertained, and the other instruments are to be charged with duty in the manner herein-before provided in the case of several instruments of conveyance.

Grants of Honours and Dignities.

74. *Duty to be charged in respect of highest rank.* (1.) Where two or more honours or dignities are granted by the same letters patent to the same person, such letters patent are to be charged with the proper duty in respect of the highest in point of rank only.

(2.) Where any honour or dignity is granted to any person in remainder, the letters patent are to be charged with such further duty in respect of every remainder as would be payable for an original grant of the same honour or dignity.

Leases.

75. *Agreements for not more than thirty-five years to be charged as leases.* (1.) An agreement for a lease or tack, or with respect to the letting of any lands, tenements, or heritable subjects for any term not exceeding thirty-five years, or for any indefinite term, is to be charged with the same duty as if it were an actual lease or tack made for the term and consideration mentioned in the agreement.

(2.) A lease or tack made subsequently to, and in conformity with, such an agreement duly stamped is to be charged with the duty of sixpence only.

76. *Leases how to be charged in respect of produce, &c.* (1.) Where the consideration, or any part of the consideration, for which a lease or tack is granted or agreed to be granted, consists of any produce or other goods, the value of the produce or goods is to be deemed a consideration in respect of which the lease or tack or agreement is chargeable with ad valorem duty.

(2.) Where it is stipulated that the value of the produce or goods is to amount at least to, or is not to exceed, a given sum, or where the lessee is specially charged with, or has the option of paying after any permanent rate of conversion, the value of the produce or goods is, for the purpose of assessing the ad valorem duty, to be estimated at the given sum, or according to the permanent rate.

(3.) A lease or tack or agreement for a lease or tack made either wholly or partially for any such consideration, if it contains a statement of the value thereof, and is stamped in accordance with the statement, is, so far as regards the subject matter of the statement, to be deemed duly stamped, unless or until it is otherwise shewn that the statement is incorrect, and that the lease or tack or agreement is in fact not duly stamped.

77. *Directions as to duty in certain cases.* (1.) A lease or tack, or agreement for a lease or tack, or with respect to any letting, is not to be charged with any duty in respect of any penal rent, or increased rent in the nature of a penal rent, thereby reserved or agreed to be reserved or made payable, or by reason of being made in consideration of the surrender or abandonment of any existing lease, tack, or agreement, of or relating to the same subject matter.

(2.) A lease made for any consideration in respect whereof it is chargeable with ad valorem duty, and in further consideration either of a covenant by the lessee to make, or of his having previously made, any substantial improvement of or addition to the property demised to him, or of any covenant relating to the matter of the lease, is not to be charged with any duty in respect of such further consideration.

(3.) No lease for a life or lives not exceeding three, or for a term of years determinable with a life or lives not exceeding three, and no lease for

a term absolute not exceeding twenty-one years, granted by an ecclesiastical corporation aggregate or sole, is to be charged with any higher duty than thirty-five shillings.

(4.) A lease for a definite term exceeding thirty-five years granted under the Trinity College (Dublin) Leasing and Perpetuity Act, 1851 [14 & 15 Vict. c. cxxviii.], is not to be charged with any higher duty than would have been chargeable thereon if it had been a lease for a definite term not exceeding thirty-five years.

(5.) An instrument whereby the rent reserved by any other instrument chargeable with duty and duly stamped as a lease or tack is increased is not to be charged with duty otherwise than as a lease or tack in consideration of the additional rent thereby made payable.

78. Duty in certain cases may be denoted by adhesive stamps.] (1.) The duty upon an instrument chargeable with duty as a lease or tack of—

(a.) any dwelling-house, or part of a dwelling-house, for a definite term not exceeding a year at a rent not exceeding the rate of ten pounds per annum; or

(b.) any furnished dwelling-house or apartments for any definite term less than a year;

and upon the duplicate or counterpart of any such instrument, may be denoted by an adhesive stamp, which is to be cancelled by the person by whom the instrument is first executed.

(2.) Every person who executes, or prepares or is employed in preparing, any such instrument (except letters or correspondence) which is not, at or before the execution thereof, duly stamped, shall incur a fine of five pounds.

Letters of Allotment or Renunciation, Scrip Certificates, and Scrip.

79. Provisions as to letters of allotment, &c.] (1.) Every person who executes, grants, issues, or delivers out any document chargeable with duty as a letter of allotment, letter of renunciation, or scrip certificate, or as scrip, before the same is duly stamped, shall incur a fine of twenty pounds.

(2.) The stamp duty of one penny on a letter of renunciation may be denoted by an adhesive stamp which is to be cancelled by the person by whom the letter of renunciation is executed.

Letters or Powers of Attorney and Voting Papers.

80. Provisions as to proxies and voting papers.] (1.) Every letter or power of attorney for the purpose of appointing a proxy to vote at a meeting, and every voting paper, hereby respectively charged with the duty of one penny, is to specify the day upon which the meeting at which it is intended to be used is to be held, and is to be available only at the meeting so specified, and any adjournment thereof.

(2.) The duty of one penny may be denoted by an adhesive stamp, which is to be cancelled by the person by whom the instrument is executed, and a letter or power of attorney or voting paper charged with the duty of one penny is not to be stamped after the execution thereof by any person.

(3.) Every person who makes or executes, or votes, or attempts to vote, under or by means of any such letter or power of attorney or voting paper, not being duly stamped, shall incur a fine of fifty pounds, and every vote given or tendered under the authority or by means of the letter or power of attorney or voting paper, shall be void.

81. Power relating to Government stocks, how to be charged.] A letter or power of attorney for the sale, transfer, or acceptance of any of the Government or Parliamentary stocks or funds, duly stamped for that purpose, is not to be charged with any further duty by reason of containing an authority for the receipt of the dividends on the same stocks or funds.

Marketable Securities and Foreign and Colonial Share Certificates.

82. Meaning of marketable securities for charge of duty and foreign and colonial share certificates.] (1.) Marketable securities for the purpose of the charge of duty thereon include—

(a.) A marketable security, made or issued by or on behalf of any company or body of persons corporate or unincorporate formed or established in the United Kingdom; and

(b.) A marketable security by or on behalf of

any foreign state or government, or foreign or colonial municipal body, corporation, or company (herein-after called a foreign security), bearing date or signed after the third day of June one thousand eight hundred and sixty-two,

(i.) Which is made or issued in the United Kingdom, or

(ii.) Which, though originally issued out of the United Kingdom, has been, after the sixth day of August one thousand eight hundred and eighty-five, or is offered for subscription, and given or delivered to a subscriber in the United Kingdom, or

(iii.) Which, the interest thereon being payable in the United Kingdom, is assigned, transferred, or in any manner negotiated in the United Kingdom; and

(c.) A marketable security by or on behalf of any colonial government which if the borrower were a foreign government would be a foreign security (herein-after called a colonial government security).

(2.) For the purposes of this Act the expression "foreign or colonial share certificate" includes any document whatever, being *prima facie* evidence of the title of any person as proprietor of, or as having the beneficial interest in, any share or shares or stock or debenture stock or funded debt of any foreign or colonial company or corporation where such person is not registered in respect thereof in a register duly kept in the United Kingdom.

83. Penalty on issuing, &c., foreign, &c., security not duly stamped.] Every person who in the United Kingdom makes, issues, assigns, transfers, negotiates, or offers for subscription, any foreign security or colonial government security not being duly stamped, shall incur a fine of twenty pounds.

84. Foreign or colonial securities may be stamped without penalty.] The Commissioners may at any time, without reference to the date thereof, allow any foreign security or colonial government security to be stamped without the payment of any penalty, upon being satisfied, in any manner that they may think proper, that it was not made or issued, and has not been transferred, assigned, or negotiated within the United Kingdom.

85. Annual duties to be denoted by adhesive stamps.] (1.) The duties charged upon a marketable security on the occasion of the first transfer by delivery thereof in any year, and upon a foreign or colonial share certificate, on the occasion of the first delivery thereof in any year are to be denoted by adhesive stamps appropriated by words and figures on the face thereof to the duties and the year.

(2.) Every person who delivers or transfers, or is concerned as broker or agent in delivering or transferring, any instrument chargeable with any duty so payable, and not being duly stamped, shall incur a fine of twenty pounds.

(3.) Where the holder of any foreign or colonial share certificate bearing the stamp for any year shall, in the course of the year, cause himself to be registered in the register of the foreign or colonial company or corporation to which it relates, and shall obtain a new certificate consequent upon the registration, the Commissioners may, subject to such regulations as they may prescribe, stamp the new certificate for the same year without payment of duty.

Mortgages, &c.

86. Meaning of "mortgage."] (1.) For the purposes of this Act the expression "mortgage" means a security by way of mortgage for the payment of any definite and certain sum of money advanced or lent at the time, or previously due and owing, or forborne to be paid, being payable, or for the repayment of money to be thereafter lent, advanced, or paid, or which may become due upon an account current, together with any sum already advanced or due, or without, as the case may be;

And includes—

(a.) Conditional surrender by way of mortgage, further charge, wadset, and heritable bond, disposition, assignment, or tack in security, an elk to a reversion of or affecting any lands, estate, or property, real or personal, heritable or movable, whatsoever; and

(b.) Any deed containing an obligation to infest any person in an annual rent, or in lands or other heritable subjects in Scotland, under a clause of reversion, but without any personal bond or obligation therein contained for payment of the money or stock intended to be secured; and

(c.) Any conveyance of any lands, estate, or property whatsoever in trust to be sold or otherwise converted into money, intended only as a security, and redeemable before the sale or other disposal thereof, either by express stipulation or otherwise, except where the conveyance is made for the benefit of creditors generally, or for the benefit of creditors specified who accept the provision made for payment of their debts, in full satisfaction thereof, or who exceed five in number; and

(d.) Any defeasance, letter of reversion, back bond, declaration, or other deed or writing for defeating or making redeemable or explaining or qualifying any conveyance, transfer, disposition, assignment, or tack of any lands, estate, or property whatsoever, apparently absolute, but intended only as a security; and

(e.) Any agreement (other than an agreement chargeable with duty as an equitable mortgage), contract, or bond accompanied with a deposit of title deeds for making a mortgage, wadset, or any other security or conveyance as aforesaid of any lands, estate, or property comprised in the title deeds, or for pledging or charging the same as a security; and

(f.) Any deed whereby a real burden is declared or created on lands or heritable subjects in Scotland; and

(g.) Any deed operating as a mortgage of any stock or marketable security.

(2.) For the purpose of this Act the expression "equitable mortgage" means an agreement or memorandum, under hand only, relating to the deposit of any title deeds or instruments constituting or being evidence of the title to any property whatever (other than stock or marketable security), or creating a charge on such property.

87. Direction as to duty in certain cases.] (1.) A security for the transfer or retransfer of any stock is to be charged with the same duty as a similar security for a sum of money equal in amount to the value of the stock; and a transfer, assignment, disposition, or assignment of any such security, and a reconveyance, release, discharge, surrender, re-surrender, warrant to vacate, or renunciation of any such security, is to be charged with the same duty as an instrument of the same description relating to a sum of money equal in amount to the value of the stock.

(2.) A security for the payment of any rent-charge, annuity, or periodical payments, by way of repayment, or in satisfaction or discharge of any loan, advance, or payment intended to be so repaid, satisfied, or discharged, is to be charged with the same duty as a similar security for the payment of the sum of money so lent, advanced, or paid.

(3.) A transfer of a duly stamped security, and a security by way of further charge for money or stock, added to money or stock previously secured by a duly stamped instrument, is not to be charged with any duty by reason of its containing any further or additional security for the money or stock transferred or previously secured, or the interest or dividends thereof, or any new covenant, proviso, power, stipulation, or agreement in relation thereto, or any further assurance of the property comprised in the transferred or previous security.

(4.) Where any copyhold or customary lands or hereditaments are mortgaged alone by means of a conditional surrender or grant, the ad valorem duty is to be charged on the surrender or grant, if made out of court, or the memorandum thereof, and on the copy of court roll of the surrender or grant, if made in court.

(5.) Where any copyhold or customary lands or hereditaments are mortgaged, together with other property, for securing the same money or the same stock, the ad valorem duty is to be charged on the instrument relating to the other property, and the surrender or grant, or the memorandum thereof,

or the copy of court roll of the surrender or grant, as the case may be, is not to be charged with any higher duty than ten shillings.

(6.) An instrument chargeable with ad valorem duty as a mortgage is not to be charged with any further duty by reason of the equity of redemption in the mortgaged property being thereby conveyed or limited in any other manner than to a purchaser, or in trust for, or according to the direction of, a purchaser.

88. Security for future advances, how to be charged.]

(1.) A security for the payment or repayment of money to be lent, advanced, or paid, or which may become due upon an account current, either with or without money previously due, is to be charged, where the total amount secured or to be ultimately recoverable is in any way limited, with the same duty as a security for the amount so limited.

(2.) Where such total amount is unlimited, the security is to be available for such an amount only as the ad valorem duty impressed thereon extends to cover, but where any advance or loan is made in excess of the amount covered by that duty the security shall for the purpose of stamp duty be deemed to be a new and separate instrument, bearing date on the day on which the advance or loan is made.

(3.) Provided that no money to be advanced for the insurance of any property comprised in the security against damage by fire, or for keeping up any policy of life insurance comprised in the security, or for effecting in lieu thereof any new policy, or for the renewal of any grant or lease of any property comprised in the security upon the dropping of any life whereon the property is held, shall be reckoned as forming part of the amount in respect whereof the security is chargeable with ad valorem duty.

89. Exemption from stamp duty in favour of benefit building societies restricted.] The exemption from stamp duty conferred by the Act of the Session held in the sixth and seventh years of King William the Fourth, chapter thirty-two, for the regulation of benefit building societies, shall not extend to any mortgage made after the 31st day of July one thousand eight hundred and sixty-eight, except a mortgage by a member of a benefit building society for securing the repayment to the society of money not exceeding five hundred pounds.

Notarial Acts.

90. Duty may be denoted by adhesive stamp.] The duty upon a notarial act, and upon the process by a notary public of a bill of exchange or promissory note, may be denoted by an adhesive stamp, which is to be cancelled by the notary.

Policies of Insurance.

91. Meaning of policy of insurance.] For the purposes of this Act the expression "policy of insurance" includes every writing whereby any contract of insurance is made or agreed to be made, or is evidenced, and the expression "insurance" includes assurance.

Policies of Sea Insurance.

92. Meaning of policy of sea insurance.] (1.) For the purposes of this Act the expression "policy of sea insurance" means any insurance (including re-insurance) made upon any ship or vessel, or upon the machinery, tackle, or furniture of any ship or vessel, or upon any goods, merchandise, or property of any description whatever on board of any ship or vessel, or upon the freight of, or any other interest which may be lawfully insured in or relating to, any ship or vessel, and includes any insurance of goods, merchandise, or property for any transit which includes not only a sea risk, but also any other risk incidental to the transit insured from the commencement of the transit to the ultimate destination covered by the insurance.

(2.) Where any person, in consideration of any sum of money paid or to be paid for additional freight or otherwise, agrees to take upon himself any risk attending goods, merchandise, or property of any description whatever while on board of any ship or vessel, or engages to indemnify the owner of any such goods, merchandise, or property from any risk, loss, or damage, such agreement or engagement shall be deemed to be a contract for sea insurance.

93. Contract to be in writing.] (1.) A contract for sea insurance (other than such insurance as is referred to in the fifty-fifth section of the Merchant Shipping Act Amendment Act, 1862 [25 & 26 Vict. c. 63]) shall not be valid unless the same is expressed in a policy of sea insurance.

(2.) No policy of sea insurance made for time shall be made for any time exceeding twelve months.

(3.) A policy of sea insurance shall not be valid unless it specifies the particular risk or adventure, the names of the subscribers or underwriters, and the sum or sums insured, and is made for a period not exceeding twelve months.

94. Policy for voyage and time chargeable with two duties.] Where any sea insurance is made for a voyage and also for time, or to extend to or cover any time beyond thirty days after the ship shall have arrived at her destination and been there moored at anchor, the policy is to be charged with duty as a policy for a voyage, and also with duty as a policy for time.

95. No policy valid unless duly stamped.] (1.) A policy of sea insurance may not be stamped at any time after it is signed or underwritten by any person, except in the two cases following; that is to say,

(a.) Any policy of mutual insurance having a stamp impressed thereon may, if required, be stamped with an additional stamp provided that at the time when the additional stamp is required the policy has not been signed or underwritten to an amount exceeding the sum or sums which the duty impressed thereon extends to covers;

(b.) Any policy made or executed out of, but being in any manner enforceable within, the United Kingdom, may be stamped at any time within ten days after it has been first received in the United Kingdom on payment of the duty only.

(2.) Provided that a policy of sea insurance shall for the purpose of production in evidence be an instrument which may legally be stamped after the execution thereof, and the penalty payable by law on stamping the same shall be the sum of one hundred pounds.

96. Legal alterations in policies may be made under certain restrictions.] Nothing in this Act shall prohibit the making of any alteration which may lawfully be made in the terms and conditions of any policy of sea insurance after the policy has been underwritten; provided that the alteration be made before notice of the determination of the risk originally insured, and that it do not prolong the time covered by the insurance thereby made beyond a period of six months in the case of a policy made for a less period than six months, or beyond the period of twelve months in the case of a policy made for a greater period than six months, and that the articles insured remain the property of the same person or persons, and that no additional or further sum be insured by reason or by means of the alteration.

97. Penalty on assuring unless policy duly stamped.] (1.) If any person—

(a.) becomes an assurer upon any sea insurance, or enters into any contract for sea insurance, or directly or indirectly receives or contracts or takes credit in account for any premium or consideration for any sea insurance, or knowingly takes upon himself any risk, or renders himself liable to pay, or pays, any sum of money upon any loss, peril, or contingency relative to any sea insurance, unless the insurance is expressed in a policy of sea insurance duly stamped, or

(b.) makes or effects, or knowingly procures to be made or effected, any sea insurance, or directly or indirectly gives or pays, or renders himself liable to pay, any premium, or consideration for any sea insurance, or enters into any contract for sea insurance, unless the insurance is expressed in a policy of sea insurance duly stamped, or

(c.) is concerned in any fraudulent contrivance or device, or is guilty of any wilful act, neglect, or omission, with intent to evade the duties payable on policies of sea insurance, or whereby the duties may be evaded, he shall for every such offence incur a fine of one hundred pounds.

(2.) Every broker, agent, or other person negotiating or transacting any sea insurance contrary to the true intent and meaning of this Act, or writing any policy of sea insurance upon material not duly stamped, shall for every such offence incur a fine of one hundred pounds, and shall not have any legal claim to any charge for brokerage, commission, or agency, or for any money expended or paid by him with reference to the insurance, and any money paid to him in respect of any such charge shall be deemed to be paid without consideration, and shall remain the property of his employer.

(3.) If any person makes or issues, or causes to be made or issued, any document purporting to be a copy of a policy of sea insurance, and there is not at the time of the making or issue in existence a policy duly stamped whereof the said document is a copy, he shall for such offence in addition to any other fine or penalty to which he may be liable incur a fine of one hundred pounds.

Policies of Insurance except Policies of Sea Insurance.

98. Meaning of policy of life insurance and policy of insurance against accident.] (1.) For the purposes of this Act the expression "policy of life insurance" means a policy of insurance upon any life or lives or upon any event or contingency relating to or depending upon any life or lives except a policy of insurance against accident; and the expression "policy of insurance against accident" means a policy of insurance for any payment agreed to be made upon the death of any person only from accident or violence or otherwise than from a natural cause, or as compensation for personal injury, and includes any notice or advertisement in a newspaper or other publication which purports to insure the payment of money upon the death of or injury to the holder or bearer of the newspaper or publication containing the notice only from accident or violence or otherwise than from a natural cause.

(2.) A policy of insurance against accident is not to be charged with any further duty than one penny by reason of the same extending to any payment to be made during sickness or incapacity from personal injury.

99. Duty on certain policies may be denoted by adhesive stamp.] The duty of one penny upon a policy of insurance other than a policy of sea insurance or life insurance may be denoted by an adhesive stamp, which is to be cancelled by the person by whom the policy is first executed.

100. Penalty for not making out policy, or making, &c., any policy not duly stamped.] Every person who—

(1.) Receives, or takes credit for, any premium or consideration for any insurance other than a sea insurance, and does not, within one month after receiving, or taking credit for, the premium or consideration, make out and execute a duly stamped policy of insurance; or

(2.) Makes, executes, or delivers out, or pays or allows in account, or agrees to pay or allow in account, any money upon or in respect of any policy other than a policy of sea insurance which is not duly stamped; shall incur a fine of twenty pounds.

Receipts.

101. Provisions as to duty upon receipts.] (1.) For the purposes of this Act, the expression "receipt" includes any note, memorandum, or writing whereby any money amounting to two pounds or upwards or any bill of exchange or promissory note for money amounting to two pounds or upwards, is acknowledged or expressed to have been received or deposited or paid, or whereby any debt or demand, or any part of a debt or demand, of the amount of two pounds or upwards, is acknowledged to have been settled, satisfied, or discharged, and which signifies or imports any such acknowledgment, and whether the same is or is not signed with the name of any person.

(2.) The duty upon a receipt may be denoted by an adhesive stamp, which is to be cancelled by the person by whom the receipt is given before he delivers it out of his hands.

102. Terms upon which receipts may be stamped after execution.] A receipt given without being stamped

may be stamped with an impressed stamp upon the terms following; that is to say,

- (1.) Within fourteen days after it has been given on payment of the duty and a penalty of five pounds;
- (2.) After fourteen days, but within one month, after it has been given, on payment of the duty and a penalty of ten pounds;

and shall not in any other case be stamped with an impressed stamp.

103. *Penalty for offences in reference to receipts.* [If any person—

- (1.) Gives a receipt liable to duty and not duly stamped; or
- (2.) In any case where a receipt would be liable to duty refuses to give a receipt duly stamped; or
- (3.) Upon a payment to the amount of two pounds or upwards gives a receipt for a sum not amounting to two pounds, or separates or divides the amount paid with intent to evade the duty;

he shall incur a fine of ten pounds.

Settlements.

104. *As to settlement of policy or security.* (1.) Where any money which may become due or payable upon any policy of life insurance, or upon any security not being a marketable security, is settled or agreed to be settled, the instrument whereby the settlement is made or agreed to be made is to be charged with ad valorem duty in respect of that money.

(2.) Provided as follows:

- (a.) Where, in the case of a policy, no provision is made for keeping up the policy, the ad valorem duty is to be charged only on the value of the policy at the date of the instrument;
- (b.) If in any such case the instrument contains a statement of the said value, and is stamped in accordance with the statement, it is, so far as regards the policy, to be deemed duly stamped, unless or until it is shown that the statement is untrue, and that the instrument is in fact insufficiently stamped.

105. *Settlements when not to be charged as securities.* [An instrument chargeable with ad valorem duty as a settlement in respect of any money, stock, or security is not to be charged with any further duty by reason of containing provisions for the payment or transfer of the money, stock, or security, or by reason of containing, where the money, stock, or security is in reversion or is not paid or transferred upon the execution of the instrument, provision for the payment, by the person entitled in possession to the interests or dividends of the money, stock, or security, during the continuance of such possession, of any annuity or yearly sum not exceeding interest at the rate of four pounds per centum per annum upon the amount or value of the money, stock, or security.]

106. *Where several instruments one only to be charged with ad valorem duty.* (1.) Where several instruments are executed for effecting the settlement of the same property, and the ad valorem duty chargeable in respect of the settlement of the property exceeds ten shillings, one only of the instruments is to be charged with the ad valorem duty.

(2.) Where a settlement is made in pursuance of a previous agreement upon which ad valorem settlement duty exceeding ten shillings has been paid in respect of any property, the settlement is not to be charged with ad valorem duty in respect of the same property.

(3.) In each of the aforesaid cases the instruments not chargeable with ad valorem duty are to be charged with the duty of ten shillings.

Share Warrants.

107. *Penalty for issuing share warrant not duly stamped.* [If a share warrant is issued without being duly stamped, the company issuing the same, and also every person who, at the time when it is issued, is the managing director or secretary or other principal officer of the company, shall incur a fine of fifty pounds.]

Stock Certificates to Bearer.

108. *Meaning of stock certificate to bearer.* [For the purposes of this Act the expression "stock

certificate to bearer" includes every stock certificate to bearer issued after the third day of June one thousand eight hundred and eighty-one, under the provisions of the Local Authorities Loans Act, 1875 [38 & 39 Vict. c. 83], or of any other Act authorizing the creation of debenture stock, county stock, corporation stock, municipal stock, or funded debt, by whatever name known.]

109. *Penalty for issuing stock certificate unstamped.* [

(1.) Where the holder of a stock certificate to bearer has been entered on the register of the local authority as the owner of the share of stock described in the certificate, the certificate shall be forthwith cancelled so as to be incapable of being re-issued to any person.

(2.) Every person by whom a stock certificate to bearer is issued without being duly stamped shall incur a fine of fifty pounds.]

Transfers of Shares in Cost Book Mines.

110. *Duty may be denoted by adhesive stamp.* (1.) The duty upon a request or authority to the pursuer or other officer of a mining company conducted on the cost book system to enter or register the transfer of any share or part of a share of the mine, and the duty upon the notice to such pursuer or officer of any such transfer, may be denoted by an adhesive stamp, which is to be cancelled by the person by whom the request, authority, or notice is written or executed.

(2.) Every person who writes or executes any such request, authority, or notice, not being duly stamped, and every pursuer or other officer of any such company who in any manner obeys, complies with, or gives effect to any such request, authority, or notice, not being duly stamped, shall incur a fine of twenty pounds.

Warrants for Goods.

111. *Provisions as to warrants for goods.* (1.) For the purposes of this Act the expression "warrant for goods" means any document or writing, being evidence of the title of any person therein named, or his assigns, or the holder thereof, to the property in any goods, wares, or merchandise lying in any warehouse or dock, or upon any wharf, and signed or certified by or on behalf of the person having the custody of the goods, wares, or merchandise.

(2.) The duty upon a warrant for goods may be denoted by an adhesive stamp, which is to be cancelled by the person by whom the instrument is made, executed, or issued.

(3.) Every person who makes, executes, or issues, or receives or takes by way of security or indemnity, any warrant for goods not being duly stamped, shall incur a fine of twenty pounds.

PART III.

SUPPLEMENTAL.

Duty on Capital of Companies.

112. *Charge of duty on capital of limited liability companies.* [A statement of the amount which is to form the nominal share capital of any company to be registered with limited liability shall be delivered to the Registrar of Joint Stock Companies in England, Scotland, or Ireland, and a statement of the amount of any increase of registered capital of any company now registered or to be registered with limited liability shall be delivered to the said registrar, and every such statement shall be charged with an ad valorem stamp duty of two shillings for every one hundred pounds and any fraction of one hundred pounds over any multiple of one hundred pounds of the amount of such capital or increase of capital as the case may be.]

113. *Charge of duty on capital of companies with limited liability otherwise than under the Companies Acts.* (1.) Where by virtue of any letters patent granted by her Majesty, or any Act, the liability of the holders of shares in the capital of any corporation or company is limited otherwise than by registration with limited liability under the law in that behalf, a statement of the amount of nominal share capital of the corporation or company shall be delivered by the corporation or company to the Commissioners within one month after the date of the letters patent or the passing of the Act; and in case of any increase of the amount of nominal share capital of any corporation or company, whether now existing or to be hereafter formed,

being authorized by any letters patent or Act, a statement of the amount of such increase shall be delivered by the corporation or company to the Commissioners within the like period.

(2.) The statement shall be charged with an ad valorem stamp duty of two shillings for every one hundred pounds and any fraction of one hundred pounds over any multiple of one hundred pounds of the amount of such capital or increase of capital as the case may be, and shall be duly stamped accordingly when the same is delivered to the Commissioners.

(3.) In the case of neglect to deliver such a statement as is hereby required to be delivered, the corporation or company shall be liable to pay to Her Majesty a sum equal to ten pounds per centum upon the amount of duty payable, and a like penalty for every month after the first month during which the neglect shall continue.

Composition for certain Stamp Duties.

114. *Composition for stamp duty on transfers of Canadian and colonial stock.* (1.) By way of composition for stamp duty chargeable on transfers of any stock of the Government of Canada which may be inscribed in books kept in the United Kingdom or of any Colonial stock to which the Colonial Stock Act, 1877 [40 & 41 Vict. c. 59], applies, the Government of Canada or other colony, as the case may be, shall pay to the Commissioners a sum as stamp duty calculated at the rate of one shilling and threepence for every ten pounds, and any fraction of ten pounds of the nominal amount of such stock inscribed in the name of each and every stockholder at the date of the composition.

With the addition—

- (a.) when the period within which the stock is to be redeemed or paid off, or during which annual or other payments in respect of the redemption or payment off of the same are required to be made, exceeds sixty years, but does not exceed one hundred years from that date, of threepence for every such ten pounds or fraction of ten pounds; or
- (b.) when the said period exceeds one hundred years, or no period is fixed for such redemption or payment off, or no such annual or other payments are required to be made, of sixpence for every such ten pounds or fraction of ten pounds;

and in consideration of the payment transfers of the stock in respect of which the composition has been paid shall be exempt from stamp duty.

(2.) All sums certified by the Commissioners to have been received by way of composition for stamp duty on transfers of stock under this section shall be paid over to the National Debt Commissioners, and shall be applied by them towards the reduction of the National Debt in such manner as the Treasury from time to time direct.

115. *Composition for stamp duty by county councils, &c.* (1.) Any county council or corporation or company may enter into an agreement with the Commissioners, if the Commissioners in their discretion think proper, for the delivery of an account shewing the nominal amount of all the stock and funded debt of such county council, corporation, or company or the amount thereof in respect of which payment has been made, if the whole sums payable in respect thereof have not been paid; and after such agreement has been entered into the account shall be immediately delivered to the Commissioners, and a like account shall be delivered half yearly in each year.

(2.) The agreement shall specify the officer of the county council, corporation, or company, whether secretary, treasurer, accountant, or other officer, by whom the accounts are to be delivered, and such officer shall observe the rules in the first part of the Second Schedule to this Act, and is in those rules referred to by the expression "accountable officer."

(3.) There shall be charged by way of composition upon the aggregate amount appearing on every half-yearly account delivered to the Commissioners for every one hundred pounds and any fraction of one hundred pounds of such amount the duty of sixpence as a stamp duty, and so soon as any account has been delivered, and payment of the duty hereby imposed has been made, transfers of any stock or funded debt included in

such account, and also any share warrants or stock certificates relating to such stock or funded debt, shall be exempt from duty.

(4.) If the duty charged is not paid upon the delivery of the account it shall be a debt due to Her Majesty from the county council, corporation, or company on whose behalf the account is delivered.

(5.) In the case of wilful neglect to deliver such an account as is hereby required to be delivered, or to pay the duty in conformity with this section, the county council or corporation or company shall be liable to pay to Her Majesty a sum equal to ten pounds per centum upon the amount of duty payable and a like penalty for every month after the first month during which the neglect continues.

(6.) Where an agreement for composition under this section has been entered into by any county council or corporation or company, such county council or corporation or company shall have power, in addition to any fee exigible upon registration of any transfer of stock, or funded debt, as the case may be, or upon issue of any share warrant, or stock certificate relating thereto, to require payment of an amount not exceeding the amount of duty which would have been chargeable upon the transfer or share warrant or stock certificate if no such agreement had been entered into.

116. Composition for stamp duty on policies of insurance against accident. (1.) Where any person issuing policies of insurance against accident, shall, in the opinion of the Commissioners, so carry on the business of such insurance as to render it impracticable or inexpedient to require that the duty of one penny be charged and paid upon the policies, the Commissioners may enter into an agreement with that person for the delivery to them of quarterly accounts of all sums received in respect of premiums on policies of insurance against accident.

(2.) The agreement shall be in such form and shall contain such terms and conditions as the Commissioners may think proper, and the person with whom the agreement is entered into shall observe the rules in the second part of the Second Schedule to this Act.

(3.) After an agreement has been entered into between the Commissioners and any person and during the period for which the agreement is in force, no policy of insurance against accident issued by that person shall be chargeable with any duty, but in lieu of and by way of composition for that duty there shall be charged on the aggregate amount of all sums received in respect of premiums on policies of insurance against accident a duty at the rate of five pounds per centum as a stamp duty.

(4.) If the duty charged is not paid upon the delivery of the account it shall be a debt due to Her Majesty from the person by or on whose behalf the account is delivered.

(5.) In the case of wilful neglect to deliver such an account as is hereby required or to pay the duty in conformity with this section the person shall be liable to pay to Her Majesty a sum equal to ten pounds per centum upon the amount of duty payable, and a like penalty for every month after the first month during which the neglect continues.

Miscellaneous.

117. Conditions and agreements as to stamp duty void. Every condition of sale framed with the view of precluding objection or requisition upon the ground of absence or insufficiency of stamp upon any instrument executed after the sixteenth day of May one thousand eight hundred and eighty-eight, and every contract, arrangement, or undertaking for assuming the liability on account of absence or insufficiency of stamp upon any such instrument or indemnifying against such liability, absence, or insufficiency, shall be void.

118. Assignment of policy of life insurance to be stamped before payment of money assured. (1.) No assignment of a policy of life insurance shall confer on the assignee therein named, his executors, administrators, or assigns, any right to sue for the moneys assured or secured thereby, or to give a valid discharge for the same, or any part thereof, unless the assignment is duly stamped, and no payment shall be made to any person claiming

under any such assignment unless the same is duly stamped.

(2.) If any payment is made in contravention of this section, the stamp duty not paid upon the assignment, together with the penalty payable on stamping the same, shall be a debt due to Her Majesty from the person by whom the payment is made.

119. Instruments relating to Crown property. Except where express provision to the contrary is made by this or any other Act, an instrument relating to property belonging to the Crown, or being the private property of the sovereign, is to be charged with the same duty as an instrument of the same kind relating to property belonging to a subject.

120. As to instruments charged with duty of 35s. Any instrument which by any Act passed before the first day of January one thousand eight hundred and seventy-one and not relating to stamp duties, is specifically charged with the duty of thirty-five shillings, shall be chargeable only with the duty of ten shillings in lieu of the said duty of thirty-five shillings.

121. Recovery of penalties. All fines imposed by this Act are to be sued for and recovered by information in the High Court in England in the name of the Attorney General for England, in Scotland in the name of the Lord Advocate, and in Ireland in the name of the Attorney General for Ireland.

122. Definitions. (1.) In this Act, unless the context otherwise requires,—

The expression "Commissioners" means Commissioners of Inland Revenue;

The expression "material" includes every sort of material upon which words or figures can be expressed;

The expression "instrument" includes every written document;

The expression "stamp" means as well a stamp impressed by means of a die as an adhesive stamp;

The expression "stamped," with reference to instruments and material, applies as well to instruments and material impressed with stamps by means of a die as to instruments and material having adhesive stamps affixed thereto;

The expressions "executed" and "execution," with reference to instruments not under seal, mean signed and signature;

The expression "money" includes all sums expressed in British or in any foreign or colonial currency;

The expression "stock" includes any share in any stocks or funds transferable at the Bank of England or at the Bank of Ireland, and India promissory notes, and any share in the stocks or funds of any foreign or colonial state or government, or in the capital stock or funded debt of any county council, corporation, company, or society in the United Kingdom, or of any foreign or colonial corporation, company, or society;

The expression "marketable security" means a security of such a description as to be capable of being sold in any stock market in the United Kingdom;

The expression "steward" of a manor includes deputy steward.

(2.) In the application of this Act to Scotland expressions referring to the High Court shall be construed as referring to the Court of Session sitting as the Court of Exchequer.

Repeal; Commencement; Short Title.

123. Repeal. The enactments specified in the Third Schedule to this Act are hereby repealed from and after the commencement of this Act to the extent specified in the third column of that schedule.

124. Commencement. This Act shall come into operation on the first day of January one thousand eight hundred and ninety-two.

125. Short title. This Act may be cited as the Stamp Act, 1891.

SCHEDULES.

FIRST SCHEDULE.

[Section 1.]

STAMP DUTIES ON INSTRUMENTS.

	Duty. £ s. d.
ADMISSION in England of any person—	
To the degree of barrister-at-law, If he has been previously duly admitted to the said degree in Ireland	10 0 0
In any other case	50 0 0

Exemption.

Admission of any person who has been previously duly admitted as an advocate in Scotland.

And see sections 18, 19, and 20.

ADMISSION in Ireland of any person—

To the degree of barrister-at-law, If he has been previously duly admitted to the said degree in England, or as an advocate in Scotland	10 0 0
In any other case	50 0 0

And see sections 18, 19, and 20.

ADMISSION in Scotland of any person—

As an advocate.

If he has been previously duly admitted to the degree of barrister- at-law in Ireland	10 0 0
In any other case	50 0 0

Exemption.

Admission of any person who has been previously duly admitted to the degree of barrister-at-law in England.

And see sections 18, 19, and 20.

ADMISSION of any person—

To be a member of either of the four Inns of Court in England, or a student of the Society of King's Inns in Dublin

Exemptions

(1.) Admission of any person who has been previously duly admitted a member of one of the Inns of Court in England, to be a member of any other of the said Inns.

(2.) Admission of any person who has been previously duly admitted a student of the Society of King's Inns in Dublin, to be a member of any of the Inns of Court in England.

And see sections 18, 19, 20, and 21.

ADMISSION of any person—

As a solicitor of the Supreme Court in England, or of the Court of Judicature in Ireland

And see sections 18 and 19.

ADMISSION in Scotland of any person—

(1.) As a law agent to practise before the Court of Session or as a writer to the signet:

If he has previously paid the sum of 60 <i>l.</i> for duty upon his articles of clerkship	25 0 0
If he has been previously duly admitted as a law agent to practise before a sheriff court	30 0 0
In any other case	85 0 0

(2.) As a law agent to practise before a sheriff court:

If he has previously paid the sum of 2 <i>s.</i> 6 <i>d.</i> for duty on his articles of clerkship	54 17 6
In any other case	55 0 0

Exemption.

Admission of any person who has been previously duly admitted as a law agent to practise before the Court of Session or as a writer to the signet to act in the other of those capacities,

And see sections 18 and 19.
ADMISSION to act as a notary public.

See FACULTY.

ADMISSION of any person—

As a Fellow of the College of Physicians in England, Scotland, or Ireland 25 0 0

And see sections 18 and 19.

ADMISSION of any person to the degree of doctor of medicine in either of the universities in Scotland 10 0 0

And see sections 18 and 19.

ADMISSION in England or Ireland of any person—

As a burgess, or into any corporation or company, in any city, borough, or town corporate.

In respect of birth, apprenticeship, or marriage, or, in Ireland, in respect of being engaged in any trade, mystery, or handicraft 1 0 0

Upon any other ground 3 0 0

Exemptions.

(1.) Admission of any person to the freedom of the city of London by redemption.

(2.) Admission of any person to the freedom of the company of watermen and lightermen of the River Thames.

And see sections 18 and 19.

ADMISSION in Scotland of any person—
As a burgess, or into any corporation or company, in any burgh 0 5 0

Exemption.

Admission of a craftsman or other person into any corporation within any royal burgh, burgh of royalty, or burgh of barony incorporated by the magistrates and council of such burgh, provided such craftsman or other person has been previously duly admitted a freeman or burgess of the burgh.

And see sections 18 and 19.

AFFIDAVIT and STATUTORY DECLARATION 0 2 6

Exemptions.

(1.) Affidavit made for the immediate purpose of being filed, read, or used in any court, or before any judge, master, or officer of any court.

(2.) Affidavit or declaration made upon a requisition of the commissioners of any public board of revenue, or any of the officers acting under them, or required by law, and made before a justice of the peace.

(3.) Affidavit or declaration which may be required at the Bank of England or the Bank of Ireland to prove the death of any proprietor of any stock transferable there or to identify the person of any such proprietor, or to remove any other impediment to the transfer of any such stock.

(4.) Affidavit or declaration relating to the loss, mutilation, or defacement of any bank note or bank post bill.

(5.) Declaration required to be made pursuant to any Act relating to marriages in order to a marriage without licence.

(6.) Declaration forming part of an application for a patent in conformity with the Patents, Designs, and Trade Marks Act, 1883.

AGREEMENT or CONTRACT, accompanied with a deposit.

See MORTGAGE, &c., and sections 23 and 86.

AGREEMENT for a lease or tack, or for any letting.

See LEASE or TACK, and section 75.

AGREEMENT for sale of property.

See CONVEYANCE ON SALE, and section 59.

AGREEMENT or CONTRACT made or entered into pursuant to the Highway Acts for or relating to the making, maintaining, or repairing of highways. 0 0 6

AGREEMENT or any MEMORANDUM of an AGREEMENT, made in England or Ireland under hand only, or made in Scotland without any clause of registration, and not otherwise specifically charged with any duty, whether the same be only evidence of a contract, or obligatory upon the parties from its being a written instrument. 0 0 6

Exemptions.

(1.) Agreement or memorandum the matter whereof is not of the value of 5*l*.

(2.) Agreement or memorandum for the hire of any labourer, artificer, manufacturer, or menial servant.

(3.) Agreement, letter, or memorandum made for or relating to the sale of any goods, wares, or merchandise.

(4.) Agreement or memorandum made between the master and mariners of any ship or vessel for wages on any voyage coastwise from port to port in the United Kingdom.

(5.) Agreement entered into between a landlord and tenant pursuant to sub-section six of section eight or sub-section two of section twenty of the Land Law (Ireland) Act, 1881.

And see sections 22 and 23

ALLOTMENT. See LETTER of ALLOTMENT.

ANNUITY, conveyance in consideration of.

See CONVEYANCE ON SALE, and section 56.

purchase of.

See CONVEYANCE ON SALE, and section 60.

creation of, by way of security.

See MORTGAGE, &c., and section 87.

instruments relating to, upon any other occasion.

See BOND, COVENANT, &c.,

APPOINTMENT of a new trustee, and APPOINTMENT in execution of a power of any property, or of any use, share, or interest in any property, by any instrument not being a will 0 10 0

And see section 62.

APPOINTMENT of a gamekeeper.

See DEPUTATION.

APPRAISEMENT or VALUATION of any property, or of any interest therein, or of the annual value thereof, or of any dilapidations, or of any repairs wanted, or of the materials and labour used or to be used in any building, or of any artificers work whatsoever.

Where the amount of the appraisement or valuation does not exceed 5*l*.

Exceeds 5*l*. and does not exceed 10*l*. 0 0 3

" 10*l*. " 20*l*. 0 0 6

" 20*l*. " 30*l*. 0 1 0

" 30*l*. " 40*l*. 0 1 6

" 40*l*. " 50*l*. 0 2 0

" 50*l*. " 100*l*. 0 2 6

" 100*l*. " 200*l*. 0 5 0

" 200*l*. " 500*l*. 0 10 0

" 500*l*. " 1000*l*. 0 15 0

" 1000*l*. " 5000*l*. 1 0 0

Exemptions.

(1.) Appraisement or valuation made for, and for the information of, one party only, and not being in any manner obligatory as between parties either by agreement or operation of law.

(2.) Appraisement or valuation made in pursuance of the order of any

Court of Admiralty, or of any Court of Appeal, from a judgment of any Court of Admiralty.

(3.) Appraisement or valuation of property of a deceased person made for the information of an executor or other person required to deliver, in England or Ireland, an affidavit, or to record in any commissary court in Scotland an inventory of the estate of such deceased person.

(4.) Appraisement or valuation of any property made for the purpose of ascertaining the legacy or succession or account duty payable in respect thereof.

And see section 24.

APPRENTICESHIP, instrument of 0 2 6

Exemptions.

(1.) Instrument relating to any poor child apprenticed by or at the sole charge of any parish or township, or by or at the sole charge of any public charity, or pursuant to any Act for the regulation of parish apprentices.

(2.) Instrument of apprenticeship in Ireland, where the value of the premium or consideration does not exceed 10*l*.

And see section 25.

ARTICLES OF CLERKSHIP whereby any person first becomes bound to serve as a clerk in order to his admission.

(1.) As a solicitor of the Supreme Court in England or of the Court of Judicature in Ireland 80 0 0

(2.) As a law agent to practise before the Court of Session or as writer to the Signet in Scotland 60 0 0

(3.) As a law agent to practise before a sheriff court in Scotland 0 2 6

And see sections 26, 27, and 28.

ARTICLES OF CLERKSHIP whereby any person, having been bound by previous duly stamped articles to serve as a clerk in order to his admission in any of the courts aforesaid, and not having completed his service so as to be entitled to such admission, becomes bound afresh for the same purpose.

Where the duty upon the previous articles was 2*s*. 6*d*. 0 2 6

In any other case 0 10 0

ASSIGNMENT OR ASSIGNATION.

By way of security, or of any security. See MORTGAGE, &c.

Upon a sale, or otherwise. See CONVEYANCE.

ASSURANCE. See POLICY.

ATTESTED COPY. See COPY.

ATTORNEY, LETTER or POWER of.

See LETTER of ATTORNEY.

WARRANT of. See WARRANT of ATTORNEY.

AWARD in England or Ireland, and AWARD or DECREE ARBITRAL in Scotland.

In any case in which an amount or value is the matter in dispute—

Where no amount is awarded or the amount or value awarded does not exceed 5*l*. 0 0 3

Where the amount or value awarded—

Exceeds 5*l*. and does not exceed 10*l*. 0 0 6

" 10*l*. " 20*l*. 0 1 0

" 20*l*. " 30*l*. 0 1 6

" 30*l*. " 40*l*. 0 2 0

" 40*l*. " 50*l*. 0 2 6

" 50*l*. " 100*l*. 0 5 0

" 100*l*. " 200*l*. 0 10 0

" 200*l*. " 500*l*. 0 15 0

" 500*l*. " 1000*l*. 1 0 0

" 1000*l*. " 5000*l*. 1 15 0

" 5000*l*. " 10000*l*. 1 15 0

In any other case 1 15 0

BACK BOND or BACK LETTER. See MORTGAGE, &c. and sections 23 and 86.

BANK NOTE—
For money not exceeding 1*l*. 0 0 5

[Solicitors' Journal,
Oct. 3, 1891.]

Exceeding 1 <i>l</i> . and not exceeding 2 <i>l</i> .	0	0	10
" 2 <i>l</i> .	5 <i>l</i> .	0	1
" 5 <i>l</i> .	10 <i>l</i> .	0	1
" 10 <i>l</i> .	20 <i>l</i> .	0	2
" 20 <i>l</i> .	30 <i>l</i> .	0	3
" 30 <i>l</i> .	50 <i>l</i> .	0	5
" 50 <i>l</i> .	100 <i>l</i> .	0	8

And see sections 29, 30, and 31.
BILL OF EXCHANGE—

Payable on demand or at sight or on presentation

And see sections 32, 34, and 38.
BILL OF EXCHANGE of any other kind whatsoever (except a Bank Note) and **PROMISSORY NOTE** of any kind whatsoever (except a Bank Note)—drawn, or expressed to be payable, or actually paid, or endorsed, or in any manner negotiated in the United Kingdom.Where the amount or value of the money for which the bill or note is drawn or made does not exceed 5*l*.

Exceeds 5 <i>l</i> . and does not exceed 10 <i>l</i> .	0	0	1
" 10 <i>l</i> .	25 <i>l</i> .	0	0
" 25 <i>l</i> .	50 <i>l</i> .	0	0
" 50 <i>l</i> .	75 <i>l</i> .	0	0
" 75 <i>l</i> .	100 <i>l</i> .	0	1

for every 100*l*., and also for any fractional part of 100*l*., of such amount or value**Exemptions.**

- (1) Bill or note issued by the Bank of England or the Bank of Ireland.
- (2) Draft or order drawn by any banker in the United Kingdom upon any other banker in the United Kingdom, not payable to bearer or to order, and used solely for the purpose of settling or clearing any account between such bankers.
- (3) Letter written by a banker in the United Kingdom to any other banker in the United Kingdom, directing the payment of any sum of money, the same not being payable to bearer or to order, and such letter not being sent or delivered to the person to whom payment is to be made or to any person on his behalf.
- (4) Letter of credit granted in the United Kingdom, authorizing drafts to be drawn out of the United Kingdom payable in the United Kingdom.
- (5) Draft or order drawn by the Paymaster General on behalf of the Court of Chancery in England or by the Accountant-General of the Supreme Court of Judicature in Ireland.
- (6) Warrant or order for the payment of any annuity granted by the National Debt Commissioners, or for the payment of any dividend or interest on any share in the Government or Parliamentary stocks or funds.
- (7) Bill drawn by any person under the authority of the Admiralty, upon and payable by the Accountant-General of the Navy.
- (8) Bill drawn (according to a form prescribed by Her Majesty's orders by any person duly authorized to draw the same) upon and payable out of any public account for any pay or allowance of the army or auxiliary forces or for any other expenditure connected therewith.
- (9) Draft or order drawn upon any banker in the United Kingdom by an officer of a public department of the State for the payment of money out of a public account.
- (10) Bill drawn in the United Kingdom for the sole purpose of remitting money to be placed to any account of public revenue.

(11.) Coupon or warrant for interest attached to and issued with any security, or with an agreement or memorandum for the renewal or extension of time for payment of a security.

And see sections 32, 33, 34, 35, 36, 37, 38, and 39.

BILL OF LADING of or for any goods, merchandise, or effects to be exported or carried coastwise

And see section 40.

BILL OF SALE—Absolute. See **CONVEYANCE OF SALE**.By way of security. See **MORTGAGE, &c.** And see section 41.**BOND** for securing the payment or repayment of money or the transfer or retransfer of stock.See **MORTGAGE, &c. AND MARKETABLE SECURITY.****BOND** in relation to any annuity upon the original creation and sale thereof.See **CONVEYANCE ON SALE**, and section 60.**BOND, COVENANT, or INSTRUMENT** of any kind whatsoever.

(1.) Being the only or principal or primary security for any annuity (except upon the original creation thereof by way of sale or security, and except a superannuation annuity), or for any sum or sums of money at stated periods, not being interest for any principal sum secured by a duly stamped instrument, nor rent reserved by a lease or tack.

For a definite and certain period, so that the total amount to be ultimately payable can be ascertained.

For the term of life or any other indefinite period.

For every 5*l*., and also for any fractional part of 5*l*., of the annuity or sum periodically payable

(2.) Being a collateral or auxiliary or additional or substituted security for any of the above-mentioned purposes where the principal or primary instrument is duly stamped.

Where the total amount to be ultimately payable can be ascertained

In any other case:

For every 5*l*., and also for any fractional part of 5*l*., of the annuity or sum periodically payable

(3.) Being a grant or contract for payment of a superannuation annuity, that is to say a deferred life annuity granted or secured to any person in consideration of annual premiums payable until he attains a specified age and so as to commence on his attaining that age.

For every 5*l*., and also for any fractional part of 5*l*. of the annuity.**BOND** given pursuant to the directions of any Act, or of the Commissioners or the Commissioners of Customs, or any of their officers, for or in respect of any of the duties of excise or customs, or for preventing frauds or evasions thereof, or for any other matter or thing relating thereto.Where the penalty of the bond does not exceed 150*l*.

In any other case

Exemption.

Bond given as aforesaid upon, or in relation to, the receiving or obtaining, or for entitling any person to receive or obtain, any drawback of any duty of excise or customs, for or in respect of any goods, wares, or merchandise exported or shipped to be exported from the United Kingdom to any parts beyond the seas, or upon or in relation to the obtaining of any debenture or certificate for entitling any person to receive any such drawback as aforesaid.

And see section 42.

BOND on obtaining letters of administration in England or Ireland, or a confirmation of testament in Scotland.**Exemptions.**

(1.) Bond given by the widow, child, father, mother, brother or sister, of any common seaman, marine or soldier, dying in the service of Her Majesty.

(2.) Bond given by any person where the estate to be administered does not exceed 100*l*. in value**BOND** of any kind whatsoever not specifically charged with any duty:Where the amount limited to be recoverable does not exceed 300*l*.

In any other case

BOND, accompanied with a deposit of title deeds, for making a mortgage, wadset, or other security on any estate or property therein comprised.See **MORTGAGE, &c.**, and section 86.**BOND, DECLARATION, or other DEED or WRITING** for making redeemable any disposition, assignment, or tack, apparently absolute, but intended only as a security.See **MORTGAGE, &c.**, and sections 23 and 86.**CERTIFICATE** to be taken out yearly—

(1.) By every person admitted or enrolled in England or Ireland as a solicitor, or in Scotland as a law agent or writer to the Signet, or in any part of the United Kingdom as a notary public.

(2.) By every other legally qualified person who carries on business in England or Ireland as a conveyancer, special pleader, or draftsman in equity, and is obliged by law to take out such a certificate.

If such person practices or carries on his business

If he has been admitted or enrolled, or has carried on business, for three years or upwards.

If he has not been so long admitted or enrolled, or has not so long carried on business.

In England, within ten miles from the General Post Office in the city of London

In Scotland, within the city or shire of Edinburgh

In Ireland, in the city of Dublin, or within three miles therefrom

In England, Scotland, or Ireland, beyond the above-mentioned limits

And see sections 43, 44, 45, 46, 47, and 48

The same ad valorem duty as a bond for the amount of the penalty

0 5 0

0 5 0

The same ad valorem duty as a bond for the amount limited.

0 10 0

The same ad valorem duty as a bond or covenant for such total amount

The same ad valorem duty as a bond or covenant of the same kind for such total amount

CERTIFICATE of any goods, wares, or merchandise, having been duly entered inwards, which shall be entered outwards for exportation at the port of importation, or be removed from thence to any other port for the more convenient exportation thereof, where such certificate is issued for enabling a person to obtain a debenture or certificate entitling him to receive a drawback of any duty of customs . . . 0 4 0

CHARTER of resignation, or of confirmation, or of novodamus upon apprising, or upon a decret of adjudication, or sale of any lands, or other heritable subjects in Scotland . . . 0 5 0

CHARTER PARTY . . . 0 0 6
And see sections 49, 50, and 51.

CHEQUE. See BILL OF EXCHANGE.

CLARE CONSTAT. See PRECEPT AND WRIT.

COLONIAL SECURITY. See MARKETABLE SECURITY and Section 82.

COMMISSION:
(1.) To any officer in the army, or in the corps of Royal Marines . . . 1 10 0
(2.) To any officer in the navy . . . 0 5 0

Exemption.
Commission to any officer of militia, yeomanry, or volunteers.

COMMISSION OF LUNACY . . . 0 5 0

COMMISSION to act as a notary public in Scotland. See FACULTY.

COMMISSION in the nature of a power of attorney in Scotland. See LETTER OR POWER OF ATTORNEY.

CONDITIONAL SURRENDER of any copyhold or customary estate by way of mortgage.
See MORTGAGE, &c., and sections 86 and 87.

CONGE D'ELIRE. See GRANT.

CONSTAT of Letters Patent. See EXEMPLIFICATION.

CONTRACT. See AGREEMENT.

CONTRACT NOTE for or relating to the sale or purchase of any stock or marketable security—
Of the value of 5*l.* and under the value of 100*l.* . . . 0 0 1
Of the value of 100*l.* or upwards . . . 0 0 6
And see sections 52 and 53.

CONVEYANCE or TRANSFER, whether on sale or otherwise,—
(1.) Of any stock of the Bank of England . . . 0 7 9
(2.) Of any stock of the Government of Canada inscribed in books kept in the United Kingdom, or of any Colonial stock to which the Colonial Stock Act, 1877, applies—
For every 100*l.*, and also for any fractional part of 100*l.*, of the nominal amount of stock transferred . . . 0 2 6
And see section 62.

CONVEYANCE or TRANSFER on sale, Of any property (except such stock as aforesaid),
Where the amount or value of the consideration for the sale does not exceed 5*l.* . . . 0 0 6
Exceeds 5*l.*, and does not exceed 10*l.* . . . 0 1 0
" 10*l.* . . . 15*l.* 0 1 6
" 15*l.* . . . 20*l.* 0 2 0
" 20*l.* . . . 25*l.* 0 2 6
" 25*l.* . . . 50*l.* 0 5 0
" 50*l.* . . . 75*l.* 0 7 6
" 75*l.* . . . 100*l.* 0 10 0
" 100*l.* . . . 125*l.* 0 12 6
" 125*l.* . . . 150*l.* 0 15 0
" 150*l.* . . . 175*l.* 0 17 6
" 175*l.* . . . 200*l.* 1 0 0
" 200*l.* . . . 225*l.* 1 2 6
" 225*l.* . . . 250*l.* 1 5 0
" 250*l.* . . . 275*l.* 1 7 6
" 275*l.* . . . 300*l.* 1 10 0
For every 50*l.*, and also for any fractional part of 50*l.*, of such amount or value . . . 0 5 0
And see sections 54, 55, 56, 57, 58, 59, 60, and 61.

CONVEYANCE or TRANSFER by way of security of any property (except such stock as aforesaid), or of any security.
See MORTGAGE, &c. AND MARKETABLE SECURITY.

CONVEYANCE or TRANSFER of any kind not hereinbefore described . . . 0 10 0
And see section 62.

COPY or EXTRACT (attested or in any manner authenticated) of or from—
(1.) An instrument chargeable with any duty.
(2.) An original will, testament, or codicil.
(3.) The probate or probate copy of a will or codicil.
(4.) The letters of administration or any confirmation of a testament.
(5.) Any public register (except any register of births, baptisms, marriages, deaths, or burials).
(6.) The books, rolls, or records of any court.
In the case of an instrument chargeable with duty not amounting to one shilling . . . The same duty as such instrument.
In any other case . . . 0 1 0

Exemptions.
(1.) Copy or extract of or from any law proceeding.
(2.) Copy or extract in Scotland of or from the commission of any person as a delegate or representative to the convention of royal burghs or the general assembly or any presbytery or church court.
And see section 63.

COPY or EXTRACT (certified) of or from any register of births, baptisms, marriages, deaths, or burials . . . 0 0 1

Exemptions.
(1.) Copy or extract furnished by any clergyman, registrar, or other official person pursuant to and for the purposes of any Act, or furnished to any general or superintending registrar under any general regulation.
(2.) Copy or extract for which the person giving the same is not entitled to any fee or reward.
And see section 64.

COPYHOLD and CUSTOMARY ESTATES—Instruments relating thereto. Upon a sale thereof. See CONVEYANCE ON SALE.
Upon a mortgage thereof. See MORTGAGE, &c.
Upon a demise thereof. See LEASE OR TACK.
Upon any other occasion.
Surrender or grant made out of court, or the memorandum thereof, and copy of court roll of any surrender or grant made in court . . . 0 10 0
And see sections, 65, 66, 67, and 68.

COST BOOK MINES. See TRANSFER.

COUNTERPART. See DUPLICATE.

COVENANT for securing the payment or repayment of money, or the transfer or retransfer of stock.
See MORTGAGE, &c.

COVENANT in relation to any annuity upon the original creation and sale thereof.
See CONVEYANCE ON SALE, and section 60.

COVENANT in relation to any annuity (except upon the original creation and sale thereof) or to other periodical payments.
See BOND, COVENANT, &c.

COVENANT. Any separate deed of covenant (not being an instrument chargeable with ad valorem duty as a conveyance on sale or mortgage) made on the sale or mortgage of any property, and relating solely to the conveyance or enjoyment of, or the title to, the property sold or mortgaged, or to the production

of the muniments of title relating thereto, or to all or any of the matters aforesaid.

Where the ad valorem duty in respect of the consideration or mortgage money does not exceed 10*s.*

A duty equal to the amount of such ad valorem duty. 0 10 0

In any other case . . .
CUSTOMARY ESTATES. See COPYHOLD.

DOCK WARRANT. See WARRANT FOR Goods.

DOCKET made on passing any instrument under the Great Seal of the United Kingdom. 0 2 0

DRAFT for money. See BILL OF EXCHANGE.

DUPLICATE or **COUNTERPART** of any instrument chargeable with any duty.

Where such duty does not amount to 5s. The same duty as the original instrument 0 5 0

In any other case 0 5 0

And see section 72.

EIK to a reversion. See MORTGAGE, &c., and section 86.

EQUITABLE MORTGAGE. See MORTGAGE, &c., and sections 23 and 86.

EXCHANGE or **EXCAMBION**—Instruments effecting.

In the case specified in section 73 see that section.

In any other case 0 10 0

EXEMPLIFICATION or **CONSTAT**, under the Great Seal of the United Kingdom of Great Britain and Ireland of any letters patent or grant made or to be made by Her Majesty, or by any of her royal predecessors of any honour, dignity, promotion, franchise, liberty, or privilege, or of any lands, office, or other thing whatsoever 5 0 0

EXEMPLIFICATION under the seal of any court in England or Ireland of any record or proceeding therein 3 0 0

EXTRACT. See COPY or EXTRACT.

FACTORY, in the nature of a letter or power of attorney in Scotland.

See LETTER or POWER of ATTORNEY.

FACULTY, LICENCE, COMMISSION, or DISPENSATION for admitting or authorizing any person to act as a notary public:

In England 30 0 0

In Scotland or Ireland 20 0 0

FACULTY or DISPENSATION of any other kind:

In England 30 0 0

In Ireland 25 0 0

FEU CONTRACT in Scotland. See CONVEYANCE ON SALE, and section 56.

FOREIGN SECURITY. See MARKETABLE SECURITY and Section 82.

FURTHER CHARGE or **FURTHER SECURITY.** See MORTGAGE, &c., and section 86.

GRANT or **LETTERS PATENT** under the Great Seal or wafer Great Seal of the United Kingdom of Great Britain and Ireland, or of the Great Seal of Ireland, or the Seal of the Duchy or County Palatine of Lancaster, or under the Seal kept and used in Scotland in place of the Great Seal formerly used there:

(1.) Of the honour or dignity

" of a duke	350 0 0
" " of a marquis	300 0 0
" " of an earl	250 0 0
" " of a viscount	200 0 0
" " of a baron	150 0 0
" " of a baronet	100 0 0

(2.) Of a *congé d'élire* to any dean and chapter for the election of an archbishop or bishop

(3.) Of the Royal Assent to, or signification of, the election made by any dean and chapter, or of the nomination and presentation by Her Majesty, in default of such election of any person to be an archbishop or bishop 30 0 0

(4.) Of or for the restitution of the temporalities to any archbishop or bishop

(5.) Of any other honour, dignity, or promotion whatsoever

(6.) Of any franchise, liberty, or privilege to any person or body politic or corporate

And see section 74.

GRANT or **WARRANT** of **PRECEDENCE** to take rank among nobility, under the sign manual of Her Majesty 100 0 0

GRANT or **LICENCE** under the sign manual of Her Majesty to take and use a surname and arms, or a surname only.

In compliance with the injunctions of any will or settlement 50 0 0

Upon any voluntary application 10 0 0

GRANT of arms or armorial ensigns only, under the sign manual of Her Majesty, or by any of the Kings of Arms of England, Scotland, or Ireland 10 0 0

GRANT of copyhold or customary estates. See CONVEYANCE—COPYHOLD.

GRANT of the custody of the person or estate of a lunatic 2 0 0

HERITABLE BOND. See MORTGAGE, &c., and section 86.

INSURANCE. See POLICY.

LEASE or **TACK**—

(1.) For any definite term not exceeding a year:

Of any dwelling-house or part of a dwelling-house at a rent not exceeding the rate of 10s. per annum 0 0 1

(2.) For any definite term less than a year:—

(a.) Of any furnished dwelling-house or apartments where the rent for such term exceeds 25s. 0 2 6

(b.) Of any lands, tenements, or heritable subjects except or otherwise than as aforesaid The same duty as a lease for a year at the rent reserved for the definite term.

(3.) For any other definite term or for any indefinite term:—

Of any lands, tenements, or heritable subjects—

Where the consideration or any part of the consideration, moving either to the lessor or to any other person, consists of any money, stock, or security:

In respect of such consideration

Where the consideration or any part of the consideration is any rent:

In respect of such consideration:

If the rent, whether reserved as a yearly rent or otherwise, is at a rate or average rate:

	If the term does not exceed 35 years, or is indefinite.	If the term exceeds 35 years but does not exceed 100 years.	If the term exceeds 100 years.
Not exceeding 5s. per annum	£ s. d. 0 0 6	£ s. d. 0 3 0	£ s. d. 0 6 0
Exceeding—			
5s. and not exceeding 10s.	0 1 0	0 6 0	0 12 0
10s. " " 15s.	0 1 6	0 9 0	0 18 0
15s. " " 20s.	0 2 0	0 12 0	0 24 0
20s. " " 25s.	0 2 6	0 15 0	0 30 0
25s. " " 30s.	0 3 0	0 18 0	0 36 0
30s. " " 35s.	0 3 6	0 21 0	0 42 0
35s. " " 40s.	0 4 0	0 24 0	0 48 0
40s. " " 45s.	0 4 6	0 27 0	0 54 0
45s. " " 50s.	0 5 0	0 30 0	0 60 0
50s. " " 55s.	0 5 6	0 33 0	0 66 0
55s. " " 60s.	0 6 0	0 36 0	0 72 0
60s. " " 65s.	0 6 6	0 39 0	0 78 0
65s. " " 70s.	0 7 0	0 42 0	0 84 0
70s. " " 75s.	0 7 6	0 45 0	0 90 0
75s. " " 80s.	0 8 0	0 48 0	0 96 0
80s. " " 85s.	0 8 6	0 51 0	0 102 0
85s. " " 90s.	0 9 0	0 54 0	0 108 0
90s. " " 95s.	0 9 6	0 57 0	0 114 0
95s. " " 100s.	0 10 0	0 60 0	0 120 0
For every full sum of 50s., and also for any fractional part of 50s. thereof	0 5 0	1 10 0	3 0 0

(4.) Of any other kind whatsoever not herein-before described 0 10 0

And see sections 75, 76, 77, and 78.

LETTER or **ALLOTMENT** and

LETTER of **RENUNCIATION**, or any other document having the effect of a letter of allotment:

- (1.) Of any share of any company or proposed company.
- (2.) In respect of any loan raised, or proposed to be raised, by any company or proposed company, or by any municipal body or corporation.
- (3.) Issued or delivered in the United Kingdom, of any share of any foreign or colonial company or proposed company, or in respect of any loan raised or proposed to be raised by or on behalf of any foreign or colonial state, government, municipal body, corporation, or company.

And **SCRIP** **CERTIFICATE**, **SCRIP**, or other document:

- (1.) Entitling any person to become the proprietor of any share of any company or proposed company.
- (2.) Issued or delivered in the United Kingdom, and entitling any person to become the proprietor of any share of any foreign or colonial company or proposed company.
- (3.) Denoting, or intended to denote, the right of any person as a subscriber in respect of any loan raised or proposed to be raised by any company or proposed company, or by any municipal body or corporation.
- (4.) Issued or delivered in the United Kingdom, and denoting, or intended to denote, the right of any person as a subscriber in respect of any loan raised or proposed to be raised by or on behalf of any foreign or colonial state, government, municipal body, corporation or company.

And see section 79.

LETTER of **CREDIT.** See BILL of EXCHANGE.

LETTER or **POWER** of **ATTORNEY**, and **COMMISSION**, **FACULTY**, **MANDATE**, or other instrument in the nature thereof:

- (1.) For the sole purpose of appointing or authorizing a proxy to vote at any one meeting at which votes may be given by proxy, whether the number of persons named in such instrument be one or more 0 0 1
- (2.) By any petty officer, seaman, marine, or soldier serving as a marine, or his representatives, for receiving prize money or wages 0 1 0
- (3.) For the receipt of the dividends or interest of any stock:

Where made for the receipt of one payment only 0 1 0

In any other case 0 5 0

- (4.) For the receipt of any sum of money, or any bill of exchange or promissory note for any sum of money, not exceeding 20s., or any periodical payments not exceeding the annual sum of 10s. (not being herein-before charged) 0 5 0
- (5.) For the sale, transfer, or acceptance of any of the Government or Parliamentary stocks or funds:

Where the value of the stocks or funds does not exceed 20s. 0 5 0

In any other case 0 10 0

- (6.) Of any kind whatsoever not herein-before described 0 10 0

Exemptions.

- (1.) Letter or power of attorney for

the receipt of dividends of any definite and certain share of the Government or Parliamentary stocks or funds producing a yearly dividend less than 3l.

(2.) Letter or power of attorney or proxy filed in the Probate Division of the High Court of Justice in England or Ireland, or in any ecclesiastical court.

(3.) Order, request, or direction under hand only from the proprietor of any stock to any company or to any officer of any company or to any banker to pay the dividends or interest arising from the stock to any person therein named.

And see sections 80 and 81.

LETTERS OF MARQUE AND REPRISAL 5 0 0

LETTERS PATENT. See GRANT.

LETTERS OF REVERSION in Scotland.

See MORTGAGE, &c., and section 86.

LICENCE for Marriage.

Special—

In England or Ireland 5 0 0

Not special—

In England 0 10 0

LICENCE under the seal of any archbishop, bishop, chancellor, or other ordinary, or by any ecclesiastical court in England or Ireland, or by any presbytery or other ecclesiastical power in Scotland:

(1.) To hold the office of lecturer, reader, chaplain, church clerk, chapel clerk, parish clerk, or sexton

(2.) For licensing a building for the performance of divine service within an ecclesiastical district formed under the provisions of the New Parishes Acts 0 10 0

(3.) For licensing any chapel for the solemnization of marriages therein, pursuant to the provisions of the Act 6 & 7 Will. 4, c. 85

(4.) For any other purpose 2 0 0

Exemptions.

(1.) Licence granted to any spiritual person to perform divine service in any building approved by the archbishop or bishop in lieu of a church or chapel whilst the same is under repair or is rebuilding, or in any building so approved for the convenience of the inhabitants of a parish resident at a distance from a church or consecrated chapel.

(2.) Licence to hold a perpetual curacy.

(3.) Licence to a stipendiary curate, wherein the annual amount of the stipend is specified.

(4.) Licence for the purpose of authorizing or enabling any person to preach or exercise any other spiritual function, not being a licence to hold the office of lecturer, reader, or chaplain, and there being no salary or emolument for or attached to the exercise of the function for which such licence is granted.

(5.) Licence by any ecclesiastical authority for licensing or authorizing any matter relating to a consecrated building or ground, or anything to be constructed, set up, taken down, or altered therein, or to be removed therefrom.

LICENCE to act as a notary public. See FACULTY.

LICENCE to use surname or arms. See GRANT.

MARKETABLE SECURITY and FOREIGN or COLONIAL SHARE CERTIFICATE.

(1.) Marketable security (a) being a colonial government security or (b)

being a security not transferable by delivery or (c) being a security transferable by delivery and bearing date or signed or offered for subscription before or on the sixth day of August one thousand eight hundred and eighty-five—

For or in respect of the money thereby secured

(2.) TRANSFER, ASSIGNMENT, DISPOSITION, or ASSIGNATION of a marketable security of any description— Upon a sale thereof—see conveyance or transfer on sale.

Upon a mortgage thereof—see mortgage of stock or marketable security

In any other case than a sale or mortgage 0 10 0

(3.) Marketable security (except a colonial government security) being a security transferable by delivery and bearing date or signed or offered for subscription after the sixth day of August one thousand eight hundred and eighty-five—

For every 10l., and also for any fractional part of 10l., of the money thereby secured 0 1 0

(4.) Marketable security (except a colonial government security) being such security as last aforesaid given in substitution for a like security duly stamped in conformity with the law in force at the time when it became subject to duty—

For every 20l., and also for any fractional part of 20l., of the money thereby secured 0 0 6

(5.) Marketable security transferable by delivery whatever may be the date thereof, and wherever it may have been made or issued, or the interest may be payable.

On the occasion of the first transfer thereof by delivery in the United Kingdom, and on the occasion of the first transfer thereof by delivery in the United Kingdom in any year after the year in which such first transfer by delivery shall happen—

Where the amount secured does not exceed twenty-five pounds 0 0 3

Exceeds twenty-five pounds and does not exceed fifty pounds 0 0 6

Exceeds fifty pounds, for every fifty pounds and any fractional part of fifty pounds of such amount 0 0 6

Exemption.

Any security, duly stamped with the duty of one shilling for every ten pounds, and also for any fractional part of ten pounds of the money thereby secured, or duly stamped as a substituted security for any security so stamped where such substituted security bears an impressed stamp denoting that the security for which it was substituted was so duly stamped.

(6.) Foreign or Colonial share certificate.

On the occasion of the first delivery thereof in the United Kingdom, and on the occasion of the first delivery thereof in the United Kingdom in any year after the year in which such first delivery shall happen—

Where the nominal amount in money of the stock or debenture stock or funded debt does not exceed twenty-five pounds 0 0 3

The same ad valorem duty according to the nature of the security as upon a mortgage.

Exceeds twenty-five pounds and does not exceed fifty pounds 0 0 6

Exceeds fifty pounds, for every fifty pounds and any fractional part of fifty pounds of such amount 0 0 6

And see sections 82, 83, 84, and 85.

MARRIAGE LICENCE. See LICENCE.

MARRIAGE SETTLEMENT. See SETTLEMENT.

MEMORIAL to be registered pursuant to any Act for the time being in force relating to the public registering of deeds in England or Ireland:

Where the instrument registered is chargeable with any duty not amounting to 2s. 6d. (The same duty as the registered instrument. 0 2 6

In any other case MORTGAGE, BOND, DEBENTURE, COVENANT (except a marketable security otherwise specially charged with duty), and WARRANT of ATTORNEY to confess and enter up judgment.

(1.) Being the only or principal or primary security (other than an equitable mortgage) for the payment or repayment of money— Not exceeding 10l. 0 0 3

exceeding 10l. and not exceeding 25l. 0 0 8

25l. 0 1 3

50l. 0 2 6

100l. 0 3 9

150l. 0 5 0

200l. 0 6 3

250l. 0 7 6

300l.

For every 100l., and also for any fractional part of 100l., of the amount secured 0 2 6

(2.) Being a collateral, or auxiliary, or additional, or substituted security (other than an equitable mortgage), or by way of further assurance for the above-mentioned purpose where the principal or primary security is duly stamped:

For every 100l., and also for any fractional part of 100l., of the amount secured 0 0 6

(3.) Being an equitable mortgage: For every 100l., and any fractional part of 100l., of the amount secured 0 1 0

(4.) TRANSFER, ASSIGNMENT, DISPOSITION, or ASSIGNATION of any mortgage, bond, debenture, or covenant (except a marketable security), or of any money or stock secured by any such instrument, or by any warrant of attorney to enter up judgment, or by any judgment:

For every 100l., and also for any fractional part of 100l., of the amount transferred, assigned, or disposed, exclusive of interest which is not in arrear 0 0 6

And also where any further money is added to the money already secured (The same duty as a principal security for such further money. 0 0 6

(5.) RECONVEYANCE, RELEASE, DISCHARGE, SURRENDER, RESURRENDER, WARRANT to VACATE, or RENUNCIATION of any such security as aforesaid, or of the benefit thereof, or of the money thereby secured:

For every 100l., and also for any fractional part of 100l., of the total amount or value of the money at any time secured 0 0 6

And see sections 86, 87, 88, and 89.

MORTGAGE OF STOCK or Marketable security—

Under hand only. See AGREEMENT, and section 23.

By deed. See MORTGAGE, and section 86.	
MUTUAL DISPOSITION or Conveyance in Scotland. See EXCHANGE or EXCHANGE.	
NOTARIAL ACT of any kind whatsoever (except a protest of a bill of exchange or promissory note or any notarial instrument to be expedited and recorded in any register of sasines).	0 1 0
And see PROTEST, SEISIN, and section 90.	
ORDER for the payment of money. See BILL OF EXCHANGE.	
PARTITION or DIVISION—Instruments effecting.	
In the case specified in section 73, see that section.	
In any other case.	0 10 0
PASSPORT.	0 0 6
POLICY OF SEA INSURANCE—	
(1.) Where the premium or consideration does not exceed the rate of 2s. 6d. per centum of the sum insured.	0 0 1
(2.) In any other case—	
(a.) For or upon any voyage—	
In respect of every full sum of 100 <i>l.</i> , and also any fractional part of 100 <i>l.</i> , thereby insured.	0 0 3
(b.) For time—	
In respect of every full sum of 100 <i>l.</i> , and also any fractional part of 100 <i>l.</i> , thereby insured—	
Where the insurance shall be made for any time not exceeding six months.	0 0 3
Where the insurance shall be made for any time exceeding six months and not exceeding twelve months.	0 0 6
And see sections 91, 92, 93, 94, 95, 96, and 97.	
POLICY OF LIFE INSURANCE—	
Where the sum insured does not exceed 10 <i>l.</i>	0 0 1
Exceeds 10 <i>l.</i> but does not exceed 25 <i>l.</i>	0 0 3
Exceeds 25 <i>l.</i> but does not exceed 500 <i>l.</i>	
For every full sum of 50 <i>l.</i> , and also for any fractional part of 50 <i>l.</i> , of the amount insured.	0 0 6
Exceeds 500 <i>l.</i> but does not exceed 1,000 <i>l.</i>	
For every full sum of 100 <i>l.</i> , and also for any fractional part of 100 <i>l.</i> , of the amount insured.	0 1 0
Exceeds 1,000 <i>l.</i>	
For every full sum of 1,000 <i>l.</i> , and also for every fractional part of 1,000 <i>l.</i> , of the amount insured.	0 10 0
And see sections 91, 98, and 100.	
POLICY OF INSURANCE AGAINST ACCIDENT and POLICY of insurance for any payment agreed to be made during the sickness of any person, or his incapacity from personal injury, or by way of indemnity against loss or damage of or to any property.	0 0 1
And see sections 91, 98, 99, and 100.	
POWER OF ATTORNEY. See LETTER OF ATTORNEY.	
PRECEPT OF CLARE CONSTAT to give seisin of lands or other heritable subjects in Scotland.	0 5 0
PROCURATION, deed, or other instrument of.	0 10 0
PROMISSORY NOTE. See BANK NOTE, BILL OF EXCHANGE.	
PROTEST of any bill of exchange or promissory note:	
Where the duty on the bill or note does not exceed 1 <i>s.</i>	(The same duty as the bill or note.)
In any other case.	0 1 0
And see section 90.	
PROXY. See LETTER or POWER OF ATTORNEY.	
RECEIPT given for, or upon the payment of, money amounting to 2 <i>l.</i> or upwards.	0 0 1

Exemptions.

(1.) Receipt given for money deposited in any bank, or with any banker, to be accounted for and expressed to be received of the person to whom the same is to be accounted for.	
(2.) Acknowledgment by any banker of the receipt of any bill of exchange or promissory note for the purpose of being presented for acceptance or payment.	
(3.) Receipt given for or upon the payment of any parliamentary taxes or duties, or of money to or for the use of Her Majesty.	
(4.) Receipt given by an officer of a public department of the State for money paid by way of imprest or advance, or in adjustment of an account, where he derives no personal benefit therefrom.	
(5.) Receipt given by any agent for money imprested to him on account of the pay of the army.	
(6.) Receipt given by any officer, seaman, marine, or soldier, or his representatives, for or on account of any wages, pay or pension, due from the Admiralty or Army Pay Office.	
(7.) Receipt given for any principal money or interest due on an exchange bill.	
(8.) Receipt written upon a bill of exchange or promissory note duly stamped, or upon a bill drawn by any person under the authority of the Admiralty, upon and payable by the Accountant General of the Navy.	
(9.) Receipt given upon any bill or note of the Bank of England or the Bank of Ireland.	
(10.) Receipt given for the consideration money for the purchase of any share in any of the Government or Parliamentary stocks or funds, or in the stocks and funds of the Secretary of State in Council of India, or of the Bank of England, or of the Bank of Ireland, or for any dividend paid on any share of the said stocks or funds respectively.	
(11.) Receipt indorsed or otherwise written upon or contained in any instrument liable to stamp duty, and duly stamped, acknowledging the receipt of the consideration money therein expressed, or the receipt of any principal money, interest, or annuity thereby secured or therein mentioned.	
(12.) Receipt given for any allowance by way of drawback or otherwise upon the exportation of any goods or merchandise from the United Kingdom.	
(13.) Receipt given for the return of any duty of customs upon a certificate of over entry.	
And see sections 101, 102, and 103.	
RECONVEYANCE, RELEASE, or RENUNCIATION of any security. See MORTGAGE, &c.	
RELEASE or RENUNCIATION of any property, or of any right or interest in any property—	
Upon a sale. See CONVEYANCE ON SALE.	
By way of security. See MORTGAGE, &c.	
In any other case.	0 10 0
RENUNCIATION. See RECONVEYANCE and RELEASE.	
RENUNCIATION, LETTER OF. See LETTER OF ALLOTMENT.	
RESIGNATION. Principal or original instrument of resignation, or service of cognition of heirs, or charter or seisin of any houses, lands, or other	

heritable subjects in Scotland holding burghage, or of burghage tenure	0 5 0
And instrument of resignation of any lands or other heritable subjects in Scotland not of burghage tenure	0 5 0
REVOCATION of any use or trust of any property by any writing, not being a will	0 10 0
SCRIP CERTIFICATE or SCRIP. See LETTER OF ALLOTMENT.	
SEISIN. Instrument of seisin given upon any charter, precept of clare constat, or precept from chancery, or upon any wadset, heritable bond, disposition, apprising, adjudication, or otherwise of any lands or heritable subjects in Scotland	0 5 0
And any NOTARIAL INSTRUMENT to be expedited and recorded in any register of sasines	0 5 0
SETTLEMENT. Any instrument, whether voluntary or upon any good or valuable consideration, other than a bond <i>à</i> pecuniary consideration, whereby any definite and certain principal sum of money (whether charged or chargeable on lands or other hereditaments or heritable subjects, or not, or to be laid out in the purchase of lands or other hereditaments or heritable subjects or not), or any definite and certain amount of stock, or any security, is settled or agreed to be settled in any manner whatsoever:	
For every 100 <i>l.</i> , and also for any fractional part of 100 <i>l.</i> , of the amount or value of the property settled or agreed to be settled.	0 5 0

Exemption.

Instrument of appointment relating to any property in favour of persons specially named or described as the objects of a power of appointment, where duty has been duly paid in respect of the same property upon the settlement creating the power or the grant of representation of any will or testamentary instrument creating the power.	
And see sections 104, 105, and 106.	
SHARE CERTIFICATE, FOREIGN AND COLONIAL. See MARKETABLE SECURITY.	

SHARE WARRANT issued under the provisions of the Companies Act, 1867, and STOCK CERTIFICATE to bearer.	
And see sections 107, 108, and 109.	
SUPERANNUATION ANNUITY. See BOND, COVENANT, &c.	
SURRENDER—	
Of copyholds. See COPYHOLD.	
Of any other kind whatsoever not chargeable with duty as a conveyance on sale or a mortgage.	0 10 0
TACK of lands, &c. in Scotland. See LEASE OF TACK.	
TACK IN SECURITY. See MORTGAGE, &c.	
TRANSFER. See CONVEYANCE OF TRANSFER.	
TRANSFER. Any request or authority to the purser or other officer of any mining company, conducted on the cost book system, to enter or register any transfer of any share, or part of a share, in any mine, or any notice to such purser or officer of any such transfer	0 0 6
And see section 110.	

VALUATION. See APPRAISEMENT.

VOTING PAPER. Any instrument for the purpose of voting by any person entitled to vote at any meeting of any body exercising a public trust, or of the shareholders, or members, or contributors to the funds of any company, society, or institution . . . 0 0 1

And see section 80.

WADSET. See MORTGAGE, &c.

WARRANT OF ATTORNEY to confess and enter up a judgment given as a security for the payment or repayment of money, or for the transfer or retransfer of stock.

See MORTGAGE, &c.

WARRANT OF ATTORNEY of any other kind . . . 0 10 0
WARRANT FOR GOODS . . . 0 0 3

Exemptions.

- (1.) Any document or writing given by an inland carrier acknowledging the receipt of goods conveyed by such carrier.
- (2.) A weight note issued together with a duly stamped warrant, and relating solely to the same goods, wares, or merchandise.

And see section 111.

WARRANT under the sign manual of Her Majesty . . . 0 10 0
WRIT—

(1.) Of Acknowledgment under the Registration of Lenses (Scotland) Act, 1857 [20 & 21 Vict. c. 26] . . .

(2.) Of Acknowledgment by any person infett in lands in Scotland in favour of the heir or donee of a creditor fully vested in right of an heritable security constituted by infettment . . . 0 5 0

(3.) Of RESIGNATION and CLARE
CONSTAT

GENERAL EXEMPTIONS FROM ALL STAMP DUTIES.

- (1.) Transfers of shares in the Govern-

ment or Parliamentary stocks or funds.

(2.) Instruments for the sale, transfer, or other disposition either absolutely or by way of mortgage, or otherwise, of any ship or vessel, or or any part, interest, share, or property of or in any ship or vessel.

(3.) Instruments of apprenticeship, bonds, contracts, and agreements entered into in the United Kingdom for or relating to the service in any of Her Majesty's colonies or possessions abroad of any person as an artificer, clerk, domestic servant, handicraftsman, mechanic, gardener, servant in husbandry, or labourer.

(4.) Testaments, testamentary instruments, and dispositions mortis causa in Scotland.

(5.) Bonds given to sheriffs or other persons in Ireland upon the replevy of any goods or chattels, and assignments of such bonds.

(6.) Instruments made by, to, or with the Commissioners of Works for any of the purposes of the Act 15 & 16 Vict. c. 28.

SECOND SCHEDULE.

RULES AS TO COMPOSITION FOR STAMP DUTIES.

First Part [Section 115].

1. Every account shall be made in such form and shall contain all such particulars as the Commissioners shall require.

2. Every account shall be a full and true account of all stock and funded debt existing at the time of the delivery of the account, and of the amount thereof in respect of which payment has been made, if the whole sums payable in respect thereof have not been paid.

3. In the case of any company or corporation formed within the United Kingdom, and having

THIRD SCHEDULE.

ENACTMENTS REPEALED [Section 123].

Session and Chapter.	Title or Short Title.	Extent of Repeal.
57 Geo. 3, c. 41	- An Act to repeal two Acts passed in the fifty-fourth and fifty-fifth years of His present Majesty relating to the office of the Agent-General, and for transferring the duties of the said offices to the office of the Paymaster-General and Secretary at War.	Section eight.
9 & 10 Vict. c. 17	- An Act for the abolition of the exclusive privilege of trading in burghs in Scotland.	Section one from "Provided always" to the end of the section.
28 & 29 Vict. c. 30	- An Act to grant certain duties of customs and inland revenue.	Sections one and two, and Schedule B.
30 & 31 Vict. c. 23	- An Act to grant and alter certain duties of customs and inland revenue, and for other purposes relating thereto.	Except sections seventeen and eighteen.
33 & 34 Vict. c. 24	- An Act for making further provision respecting the borrowing of money by the Metropolitan Board of Works.	Sections three and four.
33 & 34 Vict. c. 97	- The Stamp Act, 1870.	Except section twenty-five so far as it relates to provision (3) and sections twenty-seven and twenty-eight. The whole Act.
34 & 35 Vict. c. 4	- An Act to amend the Stamp Act, 1870, in relation to foreign securities, mortgages of stock, and proxy papers.	Section twenty-six.
34 & 35 Vict. c. 103	- An Act to amend the law relating to the customs and inland revenue.	Section five. The whole Act.
36 & 37 Vict. c. 18	- The Customs and Inland Revenue Act, 1873.	
37 & 38 Vict. c. 19	- An Act to amend the Stamp Act, 1870, in regard to the stamp duty payable by advocates in Scotland on admission as barristers in England or Ireland, and by barristers in England or Ireland on admission as advocates in Scotland.	
37 & 38 Vict. c. 26	- The Canadian Stock Stamp Act, 1874.	The whole Act.
39 & 40 Vict. c. 6	- The Sea Insurance (Stamping of Policies) Amendment Act, 1876.	The whole Act.
39 & 40 Vict. c. 16	- The Customs and Inland Revenue Act, 1876.	Section eleven.
40 & 41 Vict. c. 59	- The Colonial Stock Act, 1877.	Section two, and the first paragraph of section three.
41 & 42 Vict. c. 15	- The Customs and Inland Revenue Act, 1878.	Section twenty-seven.
43 & 44 Vict. c. 20	- The Inland Revenue Act, 1880.	Sections fifty-three to fifty-six.
44 & 45 Vict. c. 12	- The Customs and Inland Revenue Act, 1881.	Sections forty-four to forty-seven.
45 & 46 Vict. c. 72	- The Revenue, Friendly Societies, and National Debt Act, 1882.	Sections eight to ten, thirteen, fourteen, and seventeen.
46 & 47 Vict. c. 55	- The Revenue Act, 1883.	Section fifteen.
47 & 48 Vict. c. 62	- The Revenue Act, 1884.	Sections eight to ten.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
48 & 49 Vict. c. 51 -	The Customs and Inland Revenue Act, 1885.	Section twenty-one.
50 & 51 Vict. c. 15 -	The Customs and Inland Revenue Act, 1887.	Sections five to sixteen.
51 & 52 Vict. c. 8 -	The Customs and Inland Revenue Act, 1888.	Sections ten to twenty, and the First Schedule.
52 & 53 Vict. c. 7 -	The Customs and Inland Revenue Act, 1889.	Sections sixteen and seventeen.
52 & 53 Vict. c. 42 -	The Revenue Act, 1889.	Sections fifteen to seventeen, and twenty.
53 & 54 Vict. c. 8 -	The Customs and Inland Revenue Act, 1890.	Sections eighteen to twenty-one.

CHAPTER 40.

[Brine Pumping (Compensation for Subsidence) Act, 1891.]

An Act to provide Compensation for Owners of Property suffering through the Subsidence of the Ground caused by the pumping of Brine.

[28th July 1891.]

Be it enacted, &c. :

(i.) Preliminary.

1. *Short title.*] This Act may be cited as the Brine Pumping (Compensation for Subsidence) Act, 1891.

2. *Extent of Act.*] This Act shall not extend to Scotland or Ireland.

(ii.) Formation of Compensation District.

3. *Application for order for formation of district.*] Any owner or owners of land in any county of a rateable value in the aggregate of not less than two thousand pounds, and any sanitary authority in any county, may apply to the Local Government Board by memorial, alleging that subsidence of land belonging to such owner or owners, or situate within the district of such authority, is caused by brine pumping operations, whereby loss or damage is occasioned, and praying that a compensation district may be formed under this Act, with such boundaries as shall be described in the memorial, or such other boundaries as the Local Government Board shall fix.

4. *Inquiry on receipt of memorial.*] On the receipt of the memorial, the Local Government Board may, if they think a sufficient prima facie case has been made out, and after requiring (if they think fit) security to be given for any costs which may be incurred by the Board in relation to any local inquiry under this section, direct a local inquiry to be held by an inspector as to the expediency of forming the proposed district and as to the boundaries to be assigned to such district, and as to any further incidental matters in relation thereto as the Board may think fit.

5. *Procedure on inquiry.*] Before a local inquiry under this Act is held, the Local Government Board shall cause to be given public notice by advertisement in local newspapers, or otherwise, in such manner as they think fit, of the time and place at which the inquiry will be held, and the inspector shall hear all persons locally interested appearing before him and desirous of being heard in relation to the formation of the district, and the establishment of a compensation board under this Act.

6. *Formation of district by Provisional Order.*] (1.) If the Local Government Board after receiving the report of their inspector determine to form a compensation district as prayed by the memorial, or with addition of any lands or exclusive of any of the lands proposed by the memorial to be included in the district, the Local Government Board shall frame a draft provisional order forming a compensation district and establishing a compensation board under this Act in such manner as they think expedient having regard to all the circumstances of the case.

(2.) The Local Government Board shall cause printed copies of the draft order to be deposited with the clerk of the county council of the county or counties in which the district or any part of the district proposed to be formed by the draft order is situate and with the sanitary authority or authorities exercising jurisdiction in such district or any part thereof. The copies so deposited shall be open to inspection without fee by all owners and occupiers of land and by all brine pumpers within the district.

(3.) The Local Government Board shall also cause notice to be given of such deposit of copies

and of the purport of the draft order by advertisement in two successive weeks in some local newspaper circulating in the district proposed to be formed by the draft order.

7. *Confirmation, &c., of Provisional Orders.*] (1.) The Local Government Board may submit to Parliament for confirmation any provisional order made by the Board in pursuance of this Act, but any such order shall be of no force whatever unless and until it is confirmed by Parliament.

(2.) If while the Bill confirming any such order is pending in either House of Parliament a petition is presented against any order comprised therein, the Bill so far as it relates to such order may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills.

(3.) Any Act confirming any provisional order made under this Act may be repealed, altered, or amended by any provisional order made by the Local Government Board and confirmed by Parliament.

(4.) The Local Government Board may revoke either wholly or partially any provisional order made by them before the same is confirmed by Parliament, but such revocation shall not be made whilst the Bill confirming the order is pending in either House of Parliament.

(5.) The making of a provisional order shall be prima facie evidence that all the requirements of this Act in respect of proceedings required to be taken previously to the making of such provisional order have been complied with.

(6.) Every Act confirming any such provisional order shall be deemed to be a Public General Act.

(7.) The reasonable costs sanctioned by the Local Government Board of the sanitary authority in or about any inquiry by that Board in pursuance of this Act and in or about the promotion of or opposition to any provisional order under this Act shall be payable out of the fund or rate applicable to the general expenses of such authority.

8. *Alteration of boundaries of the district.*] (1.) The boundaries of any compensation district may be altered by the Local Government Board on such application as in this section provided, but after the like inquiry and with the like proceedings as to a provisional order as in the case of the formation of a district, and for the purpose of such alteration the foregoing provisions relating to an inquiry and a provisional order shall apply so far as practicable.

(2.) An application for the alteration of the boundaries of a compensation district may be made by any brine pumper and by any person or body of persons authorized to apply under this Act to the Local Government Board for the formation of a compensation district, except that in the case of an application by an owner or owners of property the aggregate rateable value of the property of such owner or owners for the purposes of this section shall be not less than five hundred pounds.

(iii.) Compensation Boards.

9. *Compensation board for each district.*] For every district formed under this Act there shall be a compensation board constituted of a number of members (not exceeding nine).

10. *Incorporation of board.*] (1.) Every compensation board shall be a body corporate by the name specified in the order establishing such board with perpetual succession and a common seal, and with power to acquire and hold lands for the purposes of their constitution without any licence in mortmain.

(2.) No act or proceeding of a board, or of any committee appointed by the board, shall be questioned on account of any vacancy in their body.

11. *Election of members and incidental matters.*]

(1.) Of the members of every compensation board—

One third, not being brine pumpers or persons

employed by them for the purposes of their business, shall be appointed by the county council or councils of the county or counties in which the district is situated;

One third shall be elected by the brine pumpers within the district;

One third, not being brine pumpers or persons employed by them for the purposes of their business, shall be appointed by the sanitary authority or authorities, other than the council of a county borough, having jurisdiction within the district.

(2.) An order of the Local Government Board under this Act shall contain all such provisions, subject to the provisions of this Act, for the number of members of the compensation board to be established for the district, and for their election, appointment, and retirement, and for the formation and revision of a register of persons entitled to vote at elections, the number of votes to which each brine pumper shall be entitled, and for any other matters as may seem to the Local Government Board expedient.

12. *Chairman of board.*] (1.) A board shall at their first meeting after their constitution, and at their first meeting in each subsequent year, choose one of their members to be chairman and one other of their members to be vice-chairman, and the members so chosen shall continue in office until the next meeting at which a chairman and vice-chairman are to be chosen pursuant to the above provision.

(2.) If any casual vacancy occur in the office of chairman or vice-chairman, the board shall, as soon as conveniently may be after the occurrence of such vacancy choose one of their members to fill such vacancy; and every chairman or vice-chairman so chosen as last aforesaid shall continue in office so long only as the person in whose place he is chosen would have been entitled to continue in office.

13. *Resignation of members.*] A member of a compensation board may resign his office by notifying in writing his intention so to do to the chairman or clerk of the board for the time being.

14. *Casual vacancies.*] Any casual vacancy in a compensation board occurring by death, resignation, or otherwise shall be filled up in manner to be decided by the regulations of the Local Government Board by the body of persons by whom the vacating member was originally chosen, as soon as reasonably practicable after the occurrence of the vacancy; but a member so chosen shall retain his office so long only as the vacating member would have retained the same if no vacancy had occurred.

15. *Meetings and proceedings of boards.*] Meetings of compensation boards shall be held and the proceedings thereat shall be conducted in accordance with the rules as to meetings and proceedings contained in the schedule to this Act.

16. *Minutes of proceedings, &c.*] (1.) A minute of proceedings at a meeting of a compensation board or of a committee, signed at the same or at the next ensuing meeting by any person describing himself as, or appearing to be, chairman of the meeting or committee at which the minute is signed, shall be received in evidence without further proof.

(2.) Until the contrary is proved, every meeting of a compensation board or committee whereof a minute has been so made, shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified.

17. *Committees of boards.*] A board may, from time to time, appoint one or more committee or committees for any of the purposes of this Act, and may fix the quorum of any committee, and prescribe the manner in which the business of a committee shall be conducted: Provided that no

rate shall be made or declared, nor any award of compensation made or allowed or disallowed, except at a general meeting of the board.

18. *Power to appoint officers.*] A board may appoint and pay such surveyors and other officers as they think necessary, and they may make all such surveys and valuations as they think necessary.

19. *Regulations by boards.*] A board may, from time to time, make regulations for defining the duties of any officers or servants of the board.

20. *Power to invest moneys.*] A board may invest any moneys for the time being in their hands, and not immediately required for the purposes of this Act, in any securities in which trustees are for the time being empowered by law to invest trust moneys, or may place such moneys on deposit in any bank.

(iv.) *Compensation Fund and Claims thereon.*

21. *District compensation fund.*] (1.) Every board shall form and maintain a compensation fund for their district.

(2.) The compensation fund for the district shall be formed and maintained by the assessment and levy as in this Act provided of such rate (not exceeding the limit or rate herein-after mentioned) for every one thousand gallons of brine pumped or raised within the district as the board from time to time think necessary and order to be levied.

(3.) The compensation fund for a district shall be solely applicable to compensation for damage happening within that district arising from subsidence, and for the expenses and liabilities of the board, and costs allowed by the board to any claimant or objector.

22. *Damage for which compensation may be made.*] The damage for which compensation may be made under this Act shall be damage of any of the following kinds (and no other) arising from subsidence which has happened after the passing of this Act:—

- (1.) Depreciation of land (but not including any erection or works on or under such land except as herein-after in this section provided) which shall subside or become permanently submerged, including any necessary expense of fencing in such land;
- (2.) Destruction or structural damage of buildings and walls of all kinds, but not including damage to machinery or fixtures, whether removable or not;
- (3.) The proper and necessary expense of building retaining walls or bolting together or underpinning or otherwise supporting, raising, or repairing buildings and walls;
- (4.) The proper and necessary expense of altering the approaches to or the levels of lands or buildings;
- (5.) The proper and necessary expense of raising, lowering, diverting, or making good private roads, bridges, fences, sewers, or drains.

Provided that no claim shall be made by any person unless he has such title to or interest in the property so damaged or some part thereof as would entitle him to recover in respect of such damage if the same had been caused by the wrongful excavation by any other person of strata underlying or supporting such property, and no claim shall be made except for damage as herein-before defined, and any compensation award shall in no case exceed the amount of the actual loss sustained by the person making the claim (herein referred to as the claimant), or exceed the amount of the expense necessary to make good any damage sustained, as herein-before defined, all circumstances which in the opinion of the board or other tribunal are material being taken into consideration.

The compensation board shall have power to make contributions out of any sum to be levied under this Act towards the extra cost of building, rebuilding, or replacing any existing or future building within the area of its district on some system or style of building whereby it can conveniently be raised, and may also provide plans and models of buildings recommended as suitable and convenient for the purpose aforesaid.

23. *Claims for compensation.*] (1.) Any claimant who alleges the following matters, that is to say—

- (i.) That any damage as in this Act defined has

been caused to any property by subsidence of the same or of any other land, and that the subsidence is the result of pumping or raising of brine, and has happened after the passing of this Act; and

- (ii.) That he has such title to or interest in the property so damaged or some part thereof as would entitle him to recover in respect of such damages if the same had been caused by the wrongful excavation by any other person of strata underlying or supporting such property;

and who has given notice in writing to the board, or if there be no such board, then to the sanitary authority of the district in which such property is situated, of such damage within six months after the same became apparent, may send in to the board a claim for such damage to the extent of his title or interest.

(2.) It shall be lawful for a compensation board from time to time by regulations under this Act to prescribe the form of any such claim and the time within which and the manner in which any such claim shall be made, and the proofs by which the claim is to be accompanied, and no claim shall be allowed with respect to any damage of which the prescribed notice shall not have been given, nor in respect of which the provisions of such regulations (unless dispensed with for cause which the board shall deem reasonable and sufficient) are not observed.

(3.) Every board shall, once or oftener in each year, give notice by such advertisement as shall be prescribed in such regulations requiring all claims intended to be made under this Act to be sent in to such board, and requiring such claims to be so sent in within a time to be named in such advertisement.

(4.) On the expiration of the period within which claims are to be sent in to the board, such board shall give to every brine pumper within their district notice of all claims (if any) received by such board, specifying in such notice the names of the claimants, the amount claimed, and the property in respect of which each such claim is made, and shall give by advertisement in any newspaper circulating in the district one month's notice of the day on which such board intends to proceed to adjudicate on such claims.

(5.) The board shall, on the day appointed for adjudication, and on any subsequent day or days appointed by them for the purpose, consider all claims duly made and which have not been previously adjudicated on, and shall, so far as they think practicable and convenient, adjudicate thereon in such manner as they shall think fit, and allow or disallow all such claims or any items thereof, or by agreement with the claimant may refer any claim to arbitration.

24. *Mode of dealing with claims.*] A board shall disallow any claim for damage which in their opinion was not caused by subsidence of any land or was caused by subsidence of land which is proved not to have been caused by brine pumping, or in respect of which in their opinion (subject to appeal as in this Act mentioned) the claimant has not such title or interest as would entitle him to recover under this Act; and shall disallow any claim to the extent to which in their opinion the damage in respect of which the claim was made has been occasioned or increased by any neglect or default of the claimant or of any person by whose acts he is affected or bound, or by the buildings or other matters in respect of which the claim was made, having been of an unnecessarily expensive kind, or improperly constructed, having regard to the liability of the district or any part thereof to subsidence. The brine pumpers shall be entitled to be heard before the board on all claims exceeding one thousand pounds.

25. *Power to board to commute claims.*] A board may, by resolution passed at a meeting whereof not less than twenty-one days' notice specifying the objects of the meeting has been served on the members of the board, provide that the damage in any particular case, if in their opinion likely to recur or to be permanent or to continue for a number of years, shall be ascertained, settled, and paid for either once for all, or for such number of years as they think just, instead of being claimed from time to time.

26. *Recovery of sums awarded.*] Any sum awarded

by a compensation board to be paid under any of the provisions of this Act shall be certified by the clerk of the board under his hand, and may, subject to the provisions of this Act, be recovered as a debt at the expiration of three months from the date of such certificate in the county court within whose jurisdiction the property to which the claim relates is situate.

27. *Appeal on questions of title.*] (1.) If a board disallow a claim or any item thereof on the ground that the claimant had not, as respects such claim or item, such title or interest in the property damaged by subsidence as would entitle him to recover under this Act, the claimant may appeal in manner in this section mentioned on the ground that he had such title or interest.

(2.) If a board allow a claim or any item thereof, any person assessed to the last rate made under this Act in and for the district may appeal in manner in this section mentioned against such allowance on the ground that the board ought to have decided that the claimant had not (as respects such claim or item) such title or interest as herein-before mentioned.

(3.) Notice of appeal under this section must be given in writing to the board at the meeting at which the decision appealed against is given, or within three weeks afterwards.

(4.) The appeal shall be brought in the county court within whose jurisdiction the land is situate, in manner prescribed by rules made or to be made by the authority for the time being empowered to make rules for the procedure and practice of county courts.

(5.) The judgment of the county court shall be binding on all persons, subject to an appeal to the Supreme Court according to the practice for the time being in use with respect to appeals from county courts.

(6.) The costs of any appeal under this section shall be in the discretion of the court in which the same are incurred.

(7.) If as a consequence of any decision on appeal under this section any damage is to be assessed, increased, or reduced, the claim shall stand remitted to the board to be adjudicated, and allowed, altered, increased, or reduced as the case may require.

28. *Special case.*] Any person aggrieved who desires to question an order or determination of the board on the ground that it is erroneous in point of law, may apply to the board to state a special case, setting forth the facts of the case and the grounds on which the order or determination is questioned, and if the board decline to state the case, may apply to the High Court of Justice for an order requiring the case to be stated.

The application shall be made and the case stated, heard, and determined in accordance with the provisions of section thirty-three, sub-section two, of the Summary Jurisdiction Act, 1879 [42 & 43 Vict. c. 49], as if the case stated by the board were a case stated by a court of summary jurisdiction.

29. *Limit of appeal.*] In no case shall there be any appeal, by special case or otherwise, where the amount claimed does not exceed one hundred pounds.

30. *Board may require compensation to be expended in repairs, &c.*] A board may require any compensation in respect of lands, buildings, or works to be expended in the filling up of holes in such lands, or the restoration or repair of such buildings or works, and may refuse to pay such compensation except on their surveyor's certificate that the amount thereof has been properly expended in such filling up, restoration, or repair.

31. *Power to purchase by agreement.*] Any board may, for the purposes of this Act, by agreement purchase or take on lease, sell, or exchange any lands within the district of such board, and may pull down and remove any buildings thereon which such board may consider in a dangerous state or likely to become so.

32. *Power to purchase otherwise than by agreement.*] A board may by resolution passed at a meeting whereof not less than twenty-one days' notice specifying the objects of the meeting has been served on the members of the board, resolve that it is desirable that no buildings should be erected on any land scheduled to such resolution, or that

any buildings on such land should be pulled down and removed, or that for any good and sufficient reason any land scheduled to such resolution should be purchased, and thereupon all the powers to purchase land other than by agreement conferred upon a local authority by the Public Health Act, 1875 [38 & 39 Vict. c. 55], or any statutory modification thereof shall be vested in such board in respect of any land so scheduled, but subject to the conditions under which a local authority can exercise such powers.

33. Power to sell.] A board may sell any land acquired under this Act subject to such conditions as to the future use of such land, and with such restrictions or prohibition as to building thereon as to such board may seem fit.

34. Power to keep register.] The board shall cause a book to be kept in which shall be entered from time to time particulars of the lands in respect of which the damage has been ascertained either once for all or for a number of years, and of any lands sold by the board subject to restrictive or prohibitive conditions, and the board shall provide an ordnance map or ordnance maps of convenient size containing such lands on which shall be shewn from time to time by the use of colours the situation and extent of such lands. Such book and map or maps shall be kept at the offices of the board or such other place as shall be from time to time appointed by the board, and shall at all times be open to inspection without fee by all persons.

(v.) *Contracts prior to Act.*

35. Contracts prior to Act.] Every brine pumper who after the passing of this Act supplies brine in pursuance of a contract made before the passing of this Act shall be entitled to be paid by the person to whom he supplies such brine the amount of the rate from time to time levied under this Act and paid by him in respect of such brine, unless such contract shall otherwise provide; and the amount of such rate may be recovered by such brine pumper from the person so supplied by him as aforesaid by action in any court of competent jurisdiction.

(vi.) *Rates.*

36. Estimates and rates.] (1.) Every board shall from time to time estimate the sums required to be levied in order to pay the claims under this Act, and of the amount per one thousand gallons of brine, estimated to be pumped or raised in their district, which will suffice to provide for such claims, and for the expenses of the board, and for the formation of the reserve fund hereinafter mentioned, subject to the provisions of this Act, and shall make a rate accordingly within their district.

(2.) Every rate made by the board shall be payable on demand at the expiration of one month after such rate has been made, and the sum assessed on any person by any such rate may be recovered by the board either as a civil debt summarily, or in like manner as a poor rate is now recoverable, or by action in any court of competent jurisdiction.

(3.) Any rate or rate book purporting to be made by authority of the board, and to be sealed with their seal, or a certificate in writing, signed by the chairman or clerk, purporting to be given under this Act, and to be sealed with the seal of the board, shall be evidence that the person named therein is liable for the sum mentioned therein, and of all matters necessary to entitle the board to recover such sum.

37. Persons liable to rates.] Every brine pumper in any compensation district shall be liable to be rated under this Act.

38. Limit of rate.] The rate or rates to be made by a board on the brine pumpers within their district shall not in the aggregate in any period of twelve months exceed the sum of threepence per one thousand gallons of brine pumped or raised in the district by each of such brine pumpers during the preceding twelve months.

39. Mode of assessing rates.] In assessing a rate in any district the board shall proceed as follows:—

- (i.) They shall ascertain and determine by means of the returns to be made under this Act, and by such other evidence (if any) as they think necessary or convenient, the total yield of brine in any year or other period in the district:

- (ii.) They shall fix what rate per one thousand gallons of brine will produce the necessary sum.

- (iii.) They shall assess every brine pumper liable to pay the rate according to the number of gallons returned by him, subject to revision by the board.

40. Computation of quantity of brine.] It shall be lawful for a board from time to time by regulations under this Act to establish and adopt any system or systems of computation of the quantity of brine pumped or raised at any pumping station or other place where brine is pumped or raised; but such regulations shall not be held to limit their right to be guided by other evidence.

41. Returns to be made to board.] (1.) It shall be lawful for a board, from time to time, by byelaws under this Act to prescribe forms and contents of returns, and the times (not being oftener than once a month for each pumping station) and the manner of making returns by any brine pumper in the district, or by any agent or servant of any such person, and to require such return to state (amongst other things) the quantities of brine pumped or raised at any pumping station.

(2.) Any person required by a board to make any return under this Act or such byelaws who fails to make such return, or wilfully or negligently makes a return untrue in any material respect, shall be liable on summary conviction to a penalty not exceeding twenty pounds for each offence.

(3.) A board may, by summons under their seal, require the attendance before them of any person liable to make any return under this Act, or who makes any claim under this Act, or of any agent or servant of any such person, and the production by him of any books or accounts, and may require a statutory declaration from any person so summoned touching any matter material to any question to be answered in any returns.

(4.) Any such person failing to attend, or to produce any such books or accounts, or to answer any questions put to him in pursuance of this section, shall be liable on summary conviction to a penalty not exceeding ten pounds.

42. Appeal against rate.] Any person who deems himself aggrieved by any rate made under the provisions of this Act may appeal against such rate to the quarter sessions for the county on the ground that the quantity of brine in respect of which he ought to be assessed is less than the quantity in respect of which he is assessed.

The provisions of section thirty-one of the Summary Jurisdiction Act, 1879 [42 & 43 Vict. c. 49] (as altered and amended by the Summary Jurisdiction Act, 1884 [47 & 48 Vict. c. 43]), shall apply to appeals to quarter sessions under this Act as if the rate made under the provisions of this Act were a conviction or an order of a court of summary jurisdiction.

On appeals under this Act against any rate the court of quarter session shall have the same power to amend or quash any rate or assessment, and to award costs between the parties to the appeal, as is or may by law be vested in any court of quarter sessions with respect to amending or quashing any rate or assessment, or awarding costs on appeals with respect to rates for the relief of the poor; and the costs awarded by the said court under this Act may be recovered in the same manner in all respects as costs awarded on the last-mentioned appeal: Provided that notwithstanding the quashing of any rate appealed against, all moneys charged by such rate shall, if the court of quarter sessions think fit so to order, be levied as if no appeal had been made, and such moneys when paid shall be taken as payment on account of the next effective rate made or to be made under this Act.

43. Abatement of claims, postponement of payments, &c.] (1.) If at any time it appears to a board that the funds applicable for compensation in any district are or will become insufficient to meet in full the claims made or to be made on such funds, the board may so declare, and thereupon the board shall make a *pro rata* abatement on the amounts which would otherwise be payable in respect of any claims to be made or allowed after such declaration.

(2.) Where it appears to a board that the compensation payable under this Act in any particular

case is exceptional in character and amount, or that the immediate payment of the compensation in any particular case or cases will disable them from meeting the other claims on them, they may spread the payment of such compensation with or without interest over such number of years as they think just, having regard to all the circumstances of the case: Provided that it shall be lawful for the board, if and when they think fit, to make up in whole or in part the amount of any abatement made under this section out of any money which might otherwise have been carried to a reserve fund for such district.

(vii.) *Reserve Fund.*

44. Reserve fund.] It shall be lawful for a board if they think fit to form a reserve fund for the purpose of meeting any exceptional claims, or providing for deficiencies which may occur in any year or years, and for that purpose in any period of twelve months to levy a greater rate in such district than the rate required for the claims and expenses estimated to be payable in such period, and they may apply any moneys from time to time standing to the credit of such reserve fund to meet any such exceptional claim or such deficiencies: Provided that the rate shall not in any case exceed the limit of threepence per one thousand gallons of brine, and that, if and so long as the reserve fund exceeds in amount the sum of the maximum rate leviable under this Act in one year, no additional rate shall be levied under this section. The interest from time to time accruing on moneys standing to the credit of a reserve fund shall be from time to time added to the compensation fund under this Act, and the full rate of threepence shall continue to be levied until the reserve fund amounts to at least one year's income at the maximum rate.

(viii.) *Miscellaneous.*

45. Powers of Local Government Board Inspectors.] Inspectors of the Local Government Board shall for the purposes of any inquiry directed by the Board under this Act have in relation to witnesses and their examination, the production of papers and accounts, and the inspection of places and matters required to be inspected, similar powers to those which poor law inspectors have under the Acts relating to the relief of the poor for the purposes of those Acts, and the Board may make orders as to the cost of such inquiries as under the Local Government Act, 1888 [51 & 52 Vict. c. 41], in the case of inquiries under that Act, and the cost of any provisional order issued by them, and as to the parties by whom or the rates out of which such costs shall be borne; and every such order may be made a rule of the Supreme Court on the application of any person named therein.

46. Audit of accounts of board.] The accounts of the receipts and expenditure of every compensation board shall be audited by such auditor of accounts relating to the relief of the poor as the Local Government Board may from time to time appoint; and such auditor shall have the like powers as he would have under section two hundred and forty-seven of the Public Health Act, 1875 [38 & 39 Vict. c. 55], in relation to the audit of accounts of an urban authority (not being the council of a borough); and the audit of the accounts of every such board shall be conducted in accordance with the provisions of that section as amended by the District Auditors Act, 1879 [42 & 43 Vict. c. 6], and with the like incidents and consequences.

47. Power of entry.] Any surveyor or person authorized by the Board shall have power at all reasonable times to enter on, inspect, and to survey any land, buildings, or premises in respect of which any claim has been made under this Act, and for the purpose of obtaining or verifying returns to enter any premises in respect of which any return is to be made under this Act; and any person who obstructs any such entry, inspection, or survey shall be liable on summary conviction to a penalty not exceeding five pounds for every such offence.

48. Allowance of byelaws.] Sections one hundred and eighty-two to one hundred and eighty-six (both included) of the Public Health Act, 1875, shall apply to all byelaws to be made by a board under this Act.

49. Power to dissolve compensation board.] Where

the continued existence of a compensation board is represented to the Local Government Board to be unnecessary or inexpedient for carrying into effect the purposes of this Act, the Local Government Board may, after local inquiry, by a provisional order dissolve such compensation board, and shall in every such order make due provision for the discharge and settlement of all debts and liabilities owing by or to such compensation board, and for the complete winding up of its affairs.

50. *Restriction of right of action.*] Nothing in this Act shall entitle the following persons or bodies of persons to compensation from any compensation board, namely:—

- (1.) Any railway or canal company: Provided always that a railway or canal company shall be entitled to compensation in respect of buildings or other property which are not used in connection with the railway or canal, and are not used for the purposes of the traffic thereon;
- (2.) Any gas or water company;
- (3.) Any county council, or municipal corporation;
- (4.) Any sanitary, highway, or other local authority;
- (5.) Any brine pumper;
- (6.) Any owner of land who receives brine rents, royalties for salt, or other remuneration or consideration in respect of the lands for which such brine rents, royalties for salt, or other similar remuneration or consideration are paid;
- (7.) Any owners or occupiers of salt or alkali works in respect of such works;
- (8.) The trustees of the River Weaver Navigation.

Except as provided by this Act no action or other proceeding shall be commenced or taken for or in respect of any damage or injury for which compensation has been claimed under this Act.

51. *Costs of Act.*] Whereas certain owners of land and other persons resident in the county of Chester have subscribed or guaranteed a fund of one thousand two hundred and fifty pounds towards the costs and expenses of obtaining this Act: Be it therefore enacted that out of the first moneys raised under this Act by such compensation board or boards as shall comprise within their district or districts the urban sanitary districts of Northwich and Winsford respectively in the county of Chester there shall be paid to such owners and other persons towards the costs and expenses incurred by them preliminary to and of and incidental to the preparing and obtaining of this Act the sum of one thousand pounds.

The respective costs, charges, and expenses of the local boards for the districts of Northwich and Winsford, in relation to the passing of this Act, as taxed by the taxing officer of the House of Lords or House of Commons, shall be respectively paid by and charged upon the district rates and funds of the said boards respectively.

52. *Interpretation.*] In this Act—

“Owner” means the person for the time being receiving the rackrent of the land in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if the land were let at a rackrent:

“Rateable value” means the rateable value according to the valuation list for the time being in force, or if there is none, then according to the last rate made for the relief of the poor:

“Sanitary authority” includes an urban sanitary authority and rural sanitary authority under the Public Health Act, 1875 [38 & 39 Vict. c. 55]:

“Brine pumper” means a person or company who pumps or raises brine from shafts, wells, springs, or mines:

“County” includes a county borough; and “county council” includes a mayor, aldermen, and burgesses of any such borough acting by the council.

SCHEDULE.

[Section 15.]

1. *First meeting of board.*] The first meeting of the board shall be held at such time and place as shall be fixed by the Local Government Board.

2. *Chairman of board to preside at meetings.*] The chairman of a board is entitled to preside at every meeting, but if at any meeting the chairman is not present at the time appointed for holding the same, the vice-chairman shall be entitled to preside, and if neither the chairman nor vice-chairman be present, the members present shall choose some one of their number to be chairman of such meeting.

3. *Summoning meeting.*] The chairman may at any time call a meeting. If the chairman refuses to call a meeting after a requisition for that purpose, signed by five members of the board, has been presented to him, any five members of the board may forthwith on that refusal call a meeting. If the chairman (without so refusing) does not within seven days after such presentation call a meeting, any five members of the board may on the expiration of those seven days call a meeting.

4. *Notice of meeting.*] Three clear days at least before any meeting of a board a summons to attend the meeting, specifying the business proposed to be transacted thereat, and signed by the chairman or clerk of the board, shall be left or delivered by post at the usual place of abode of every member of the board. Want of service of the summons on any member of the board shall not affect the validity of a meeting.

5. *Quorum.*] To constitute a meeting of a board there must be at least one-third of the members personally present.

6. *Decision of questions at meeting.*] All acts of a board, and all questions coming or arising before the board, may be done and decided by the majority of such members of the board as are present and vote at a meeting held in pursuance of this Act.

In case of equality of votes the chairman of the meeting shall have a second or casting vote.

7. *Minutes.*] Minutes of the proceedings of every meeting shall be drawn up and fairly entered in a book kept for that purpose, and shall be signed by the chairman of the meeting or of the next ensuing meeting.

8. *Standing orders.*] Subject to the foregoing provisions of this schedule a board may from time to time make standing orders for the regulation of their proceedings and business and vary or revoke the same.

CHAPTER 41.

[Crofters Common Grazings Regulation Act, 1891.]

An Act to regulate Crofters Common Grazings in Scotland. [28th July 1891.]

CHAPTER 42.

[Tramways (Ireland) Amendment Act, 1891.]

An Act further to amend the Tramways (Ireland) Act, 1860. [28th July 1891.]

CHAPTER 43.

[Forged Transfers Act, 1891.]

An Act for preserving Purchasers of Stock from Losses by Forged Transfers. [5th August 1891.]

Be it enacted, &c.:

1. *Power to make compensation for losses from forged transfer.*] (1.) Where a company or local authority issue or have issued shares, stock, or securities transferable by an instrument in writing or by an entry in any books or register kept by or on behalf of the company or local authority, they shall have power to make compensation by a cash payment out of their funds for any loss arising from a transfer of any such shares, stock, or securities, in pursuance of a forged transfer or of a transfer under a forged power of attorney.

(2.) Any company or local authority may, if they think fit, provide, either by fees not exceeding the rate of one shilling on every one hundred pounds transferred, to be paid by the transferee upon the entry of the transfer in the books of the company or local authority, or by insurance, reservation of capital, accumulation of income, or in any other manner which they may resolve upon, a fund to meet claims for such compensation.

(3.) For the purpose of providing such compensation any company may borrow on the security of their property, and any local authority may borrow with the like consent and on the like security and subject to the like conditions as to repayment by means of instalments or the provision of a sinking fund and otherwise as in the case of the securities in respect of which compensation is to be provided, but any money so borrowed by a local authority shall be repaid within a term not longer than five years. Any expenses incurred by a local authority in making compensation, or in the repayment of, or the payment of interest on, or otherwise in connection with, any loan raised as aforesaid, shall, except so far as they may be met by such fees as aforesaid, be paid out of the fund or rate on which the security in respect of which compensation is to be made is charged.

(4.) Any such company or local authority may impose such reasonable restrictions on the transfer of their shares, stock, or securities, or with respect to powers of attorney for the transfer thereof, as they may consider requisite for guarding against losses arising from forgery.

(5.) Where a company or local authority compensate a person under this Act for any loss arising from forgery, the company or local authority shall, without prejudice to any other rights or remedies, have the same rights and remedies against the person liable for the loss as the person compensated would have had.

2. *Definitions.*—“Company”—“Local authority.”] For the purposes of this Act—

The expression “company” shall mean any company incorporated by or in pursuance of any Act of Parliament, or by royal charter.

The expression “local authority” shall mean the council of any county or municipal borough, and any authority having power to levy or require the levy of a rate the proceeds of which are applicable to public local purposes.

3. *Application to industrial societies, &c.*] This Act shall apply to any industrial, provident, friendly benefit, building, or loan society incorporated by or in pursuance of any Act of Parliament as if the society were a company.

4. *Application to harbour and conservancy authorities.*] (1.) This Act shall apply to any harbour authority or conservancy authority as if the authority were a company.

(2.) For the purposes of this Act the expression “harbour authority” includes all persons, being proprietors of, or intrusted with the duty or invested with the power of constructing, improving, managing, regulating, maintaining or lighting any harbour otherwise than for profit, and not being a joint stock company.

(3.) For the purposes of this Act the expression “conservancy authority” includes all persons intrusted with the duty or invested with the power of conserving, maintaining, or improving the navigation of any tidal water otherwise than for profit, and not being a joint stock company.

5. *Application to colonial stock.*] In the case of any colonial stock to which the Colonial Stock Act, 1877 [40 & 41 Vict. c. 59], applies, the Government of the colony of which the stock forms the whole or part of the public debt may, if they think fit, by declaration under their seal or under the signature of a person authorized by them in that behalf, and in either case deposited with the Commissioners of Inland Revenue, adopt this Act, and thereupon this Act shall apply to the colonial stock as if the registrar of the Government were a company and the stock were issued by him.

6. *Short title.*] This Act may be cited as the Forged Transfers Act, 1891.

CHAPTER 44.

[Trusts (Scotland) Amendment Act, 1891.]

An Act to amend the Law of Trusts in Scotland. [3th August 1891.]

CHAPTER 45.

[Turbary (Ireland) Act, 1891.]

An Act to provide for and regulate the user by purchasing tenants of Rights of Turbary. [3th August 1891.]

CHAPTER 46.

[Post Office Act, 1891.]

An Act to amend the Post Office Acts and to make provision for the Service of the Post Office.
[5th August 1891.]

CHAPTER 47.

[Metalliferous Mines (Isle of Man) Act, 1891.]

An Act to amend the Metalliferous Mines Regulation Act, 1872, in its application to the Isle of Man.
[5th August 1891.]

CHAPTER 48.

[Purchase of Land (Ireland) Act, 1891.]

An Act to provide further Funds for the Purchase of Land in Ireland, and to make permanent the Land Commission; and to provide for the Improvement of the Congested Districts in Ireland.
[5th August 1891.]

CHAPTER 49.

[Returning Officers (Scotland) Act, 1891.]

An Act to regulate the Charges of Returning Officers at Parliamentary Elections in Scotland.
[5th August 1891.]

CHAPTER 50.

[Commissioners for Oaths Act, 1891.]

An Act to amend the Commissioners for Oaths Act, 1889.
[5th August 1891.]

Whereas doubts have been entertained whether the powers to administer oaths and take affidavits conferred on a commissioner for oaths by the Commissioners for Oaths Act, 1889 [52 & 53 Vict. c. 10], extends to oaths and affidavits required by special provisions to be made before a justice of the peace, or any particular person or officer, and it is expedient to remove such doubts:

Be it therefore enacted, &c.:

1. *Affidavit, &c., may be made before commissioner at any place.* Where by or under the Merchant Shipping Acts, 1854 to 1889, or the Customs Consolidation Act, 1876, or the Patents, Designs, and Trade Marks Acts, 1883 to 1888, or the Pawnbrokers Act, 1872, or Acts amending the same respectively, any oath or affidavit is required to be taken or made before any particular person or officer, whether having special authority or otherwise, and whether at any particular place, or within any specified limits or otherwise, such oath or affidavit may be taken or made before a commissioner for oaths, at any place, and shall be as effectual to all intents and purposes as if taken or made before such person or officer, and at any particular place or within specified limits.

2. *Amendment of 52 & 53 Vict. c. 10, s. 6, as to acting consular agent.* In section six of the Commissioners for Oaths Act, 1889, after the words "consular agent" shall be inserted the words "acting consul general, acting vice-consul, and acting consular agent."

3. *Construction and short title.* This Act shall be read with the Commissioners for Oaths Act, 1889, and may be cited as the Commissioners for Oaths Act, 1891, and the Commissioners for Oaths Act, 1889, and this Act may be cited together as the Commissioners for Oaths Acts, 1889 and 1891.

CHAPTER 51.

[Slander of Women Act, 1891.]

An Act to amend the Law relating to the Slander of Women.
[5th August 1891.]

Be it enacted, &c.:

1. *Amendment of law.* Words spoken and published after the passing of this Act which impute unchastity or adultery to any woman or girl shall not require special damage to render them actionable.

Provided always, that in any action for words spoken and made actionable by this Act, a plaintiff shall not recover more costs than damages, unless

the judge shall certify that there was reasonable ground for bringing the action.

2. *Short title and extent.* This Act may be cited as the Slander of Women Act, 1891, and shall not apply to Scotland.

CHAPTER 52.

[Public Health (Scotland) Amendment Act, 1891.]

An Act to amend the Public Health (Scotland) Acts.
[5th August 1891.]

CHAPTER 53.

[Supreme Court of Judicature Act, 1891.]

An Act to amend the Supreme Court of Judicature Acts.
[5th August 1891.]

Be it enacted, &c.:

1. *Ex-Lord Chancellor to be a judge of Court of Appeal.* Every person who has held the office of Lord Chancellor shall be an ex-officio judge of the Court of Appeal, but he shall not be required to sit and act as a judge of that court, unless upon the request of the Lord Chancellor he consents so to do, and while so sitting and acting he shall rank therein according to his precedence as a peer.

2. *President of Probate, Divorce, and Admiralty Division.* Whenever there is a vacancy in the office of a judge of the High Court who is president of the Probate, Divorce, and Admiralty Division thereof, it shall be lawful for Her Majesty, by letters patent, to appoint to that office as president of the said division any person who is a barrister of not less than fifteen years' standing, or who is a judge of the High Court or Court of Appeal, and the person so appointed shall, without prejudice to the rights of any judge of the Supreme Court existing at the passing of this Act, take precedence in court next after all ordinary judges of the Court of Appeal appointed before the time at which he shall become an ordinary or ex-officio member thereof.

3. *Assessors in House of Lords.* For the purpose of aiding the House of Lords in the hearing and determination of appeals in Admiralty actions, the House may, in any such appeal in which it may think it expedient to do so, call in the aid of one or more assessors specially qualified, and hear such appeal wholly or partially with the assistance of such assessors.

This section shall be carried into effect in pursuance of Orders made by the House of Lords.

4. *Explanation of position of High Court of Justice under 27 & 28 Vict. c. 25.* Whereas doubts have arisen with respect to the position of the High Court in England and appeals therefrom in cases of prize, and it is expedient to remove such doubts: Be it therefore enacted as follows:

(1.) The High Court in England shall be a prize court within the meaning of the Naval Prize Act, 1864, and shall have all such jurisdiction on the high seas, and throughout Her Majesty's dominions, and in every place where Her Majesty has jurisdiction, as under the Naval Prize Act, 1864, or otherwise the High Court of Admiralty possessed when acting as a prize court.

(2.) Subject to rules of court, all causes and matters within the jurisdiction of the High Court under this Act as a prize court shall be assigned to the Probate, Divorce, and Admiralty Division of the Court.

(3.) Any appeal from the High Court when acting as a prize court shall lie only to Her Majesty in Council, in accordance with the Naval Prize Act, 1864.

5. *Short titles and construction.* This Act may be cited as the Supreme Court of Judicature Act, 1891, and shall be construed as one with the Supreme Court of Judicature Acts, 1873 to 1890, which Acts, with this Act, may be cited together as the Judicature Acts, 1873 to 1891.

CHAPTER 54.

[Ranges Act, 1891.]

An Act to facilitate the Acquisition of Ranges by Volunteer Corps and others.
[5th August, 1891.]

CHAPTER 55.

[Appropriation Act, 1891.]

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety-two, and to appropriate the Supplies granted in this Session of Parliament.
[5th August 1891.]

CHAPTER 56.

[Elementary Education Act, 1891.]

An Act to make further provision for assisting Education in Public Elementary Schools in England and Wales.
[5th August 1891.]

Be it enacted, &c.:

1. *Fee grant and conditions thereof.* (1.) After the commencement of this Act, there shall be paid, out of moneys provided by Parliament, and at such times and in such manner as may be determined by regulations of the Education Department, a grant (in this Act called a fee grant) in aid of the cost of elementary education in England and Wales at the rate of ten shillings a year for each child of the number of children over three and under fifteen years of age in average attendance at any public elementary school in England and Wales (not being an evening school) the managers of which are willing to receive the same, and in which the Education Department are satisfied that the regulations as to fees are in accordance with the conditions in this Act.

(2.) If in any case there is a failure to comply with any of the conditions in this Act, and the Education Department are satisfied that there was a reasonable excuse for the failure, the Department may pay the fee grant, but in that case shall, if the amount received from fees has exceeded the amount allowed by this Act, make a deduction from the fee grant equal to that excess.

(3.) For the purposes of section nineteen of the Elementary Education Act, 1876, the fee grant paid or payable to a school shall be reckoned as school pence to be met by the grant payable by the Education Department.

2. *Limit of fees in schools receiving fee grant.* (1.) In any school receiving the fee grant—

(a.) Where the average rate of fees received during the school year ended last before the first day of January one thousand eight hundred and ninety-one was not in excess of ten shillings a year for each child of the number of children in average attendance at the school; or

(b.) For which an annual parliamentary grant has not fallen due before the said first day of January;

no fee shall, except as by this Act provided, be charged for children over three and under fifteen years of age.

(2.) In any school receiving the fee grant where the said average rate was so in excess, the fees to be charged for children over three and under fifteen years of age shall not, except as by this Act provided, be such as to make the average rate of fees for all such children exceed for any school year the amount of the said excess.

3. *Prohibition of charges in certain schools receiving fee grant.* In any school receiving the fee grant, where the average rate charged and received in respect of fees and books, and for other purposes, during the school year ended last before the first day of January one thousand eight hundred and ninety-one, was not in excess of ten shillings a year for each child of the number of children in average attendance at the school, no charge of any kind shall be made for any child over three and under fifteen years of age.

4. *Power to modify limit of fees in certain cases.* (1.) Notwithstanding anything herein-before contained, the Education Department, if they are

satisfied that sufficient public school accommodation, without payment of fees, has been provided for a school district, and that the charge of school fees or the increase of school fees for children over three and under fifteen years of age in any particular school receiving the fee grant is required owing to a change of population in the district, or will be for the educational benefit of the district, or any part of the district, may from time to time approve such charge or increase of fees in that school, provided that the ordinary fee for such children shall not exceed sixpence a week.

(2.) The Education Department shall report annually to Parliament all cases in which they have sanctioned or refused the imposition or augmentation of fees under this section, with a statement of the amount of fee permitted.

(3.) The Education Department may, if they think fit, make it an express condition of such approval that the amount received for any school year from the fees so charged or increased, or a specified portion of that amount, shall be taken in reduction of the fee grant which would otherwise have been payable for that school year, and in that case the fee grant shall be reduced accordingly.

5. *Provision for free school accommodation.* If at any time after the expiration of one year from the commencement of this Act it is represented to the Education Department that there is in any school district, or any part of a school district, an insufficient amount of public school accommodation without payment of fees for children over three and under fifteen years of age, for whom such accommodation is desired, and the Education Department are satisfied after inquiry that such is the case, the Department shall direct the deficiency to be supplied in the manner provided by sections nine and ten of the Elementary Education Act, 1870, and every other section enabling them in that behalf, with respect to the supply of public school accommodation; and the expression "public school accommodation" in that Act shall include public school accommodation without payment of fees.

Provided that whenever and so long as any deficiency in such last-mentioned public school accommodation in any district is in course of being supplied with due despatch, no requisition or order shall be issued in that behalf by the Education Department.

6. *Power to contribute from fee grant to common school fund.* The managers of two or more public elementary schools in the same or neighbouring school districts, not being schools provided by a school board, may pay the fee grant, or part thereof, received by each school into a common fund for distribution, as may be arranged by them, between or among such schools.

Provided that the fee grant received by each school in the first instance shall alone count as income of such school for the purposes of this Act and of section nineteen of the Elementary Education Act, 1876, and a contribution to a school from any such common fund shall not be reckoned as income of such school from other sources within the said section nineteen.

7. *Grouping of schools.* Where the managers of two or more public elementary schools in the same or neighbouring school districts agree to associate and elect a committee for the schools, any surplus income on the accounts for the school year of any of the associated schools may be paid into a common fund, out of which contributions may be made to any of the other associated schools; but the contributions received by any such school shall not be counted as income from other sources for the purpose of section nineteen of the Elementary Education Act, 1876, so that no addition to the public charge may result from this section taken in conjunction with the said section nineteen. Provided that no board school shall under this section be associated with any public elementary school other than a board school.

8. *Explanation of 33 & 34 Vict. c. 75, s. 17.* Nothing in section seventeen of the Elementary Education Act, 1870, shall prevent a school board from admitting scholars to any school provided by the board without requiring any fee.

9. *Provision for equality of treatment.* Nothing in this Act shall give any preference or advantage to any school on the ground that it is or is not provided by a school board.

10. *Meaning of "school year" and "average attendance."* In this Act the expression "school year" shall mean a year or other period for which an annual parliamentary grant is for the time being paid or payable under the minutes of the Education Department; and the expression "average attendance" shall, for the purposes of the fee grant, mean average attendance calculated in accordance with the minutes in force at the commencement of this Act.

11. *Repeal.* The Acts mentioned in the schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

12. *Commencement of Act.* This Act shall come into operation on the first day of September, one thousand eight hundred and ninety-one.

13. *Short title and construction.* (1.) This Act may be cited as the Elementary Education Act, 1891, and shall be construed as one with the Elementary Education Acts, 1870 to 1890.

(2.) The Elementary Education Acts, 1870 to 1890, and this Act may be cited collectively as the Elementary Education Acts, 1870 to 1891.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
33 & 34 Vict. c. 75	The Elementary Education Act 1870.	Section twenty-six.
39 & 40 Vict. c. 79	The Elementary Education Act 1876.	Section eighteen.

CHAPTER 57.

[*Redemption of Rent (Ireland) Act, 1891.*]

An Act to provide for the Redemption of Rent by long Leaseholders and others.

[5th August 1891.]

CHAPTER 58.

[*Western Highlands and Islands (Scotland) Works Act, 1891.*]

An Act to make provisions in regard to the Construction and Maintenance of certain Works of public and local utility in the Western Highlands and Islands of Scotland.

[5th August 1891.]

CHAPTER 59.

[*Public Works Loans Act, 1891.*]

An Act to grant Money for the purpose of certain Local Loans, and for other purposes relating to Local Loans.

[5th August 1891.]

CHAPTER 60.

[*Expiring Laws Continuance Act, 1891.*]

An Act to continue various Expiring Laws.

[5th August 1891.]

CHAPTER 61.

[*Schools for Science and Art Act, 1891.*]

An Act to facilitate the transfer of Schools for Science and Art to Local Authorities.

[5th August 1891.]

Be it enacted, &c. :

1. *Transfer of school for science and art or literary or scientific institution to local authority.* (1.) The managers of any school for science and art, or for science, or for art, or of any institution to which the Literary and Scientific Institutions Act, 1854 [17 & 18 Vict. c. 112], applies, may make an arrangement with any local authority within the meaning of the Technical Instruction Act, 1889 [52 & 53 Vict. c. 76], for transferring the school or institution to that authority, and the local authority may assent to any such arrangement and

give effect thereto, subject to the provisions of that Act.

(2.) The provisions of section twenty-three of the Elementary Education Act, 1870 [33 & 34 Vict. c. 75], with respect to arrangements for the transfer of schools should apply in the case of arrangements for the transfer of schools or institutions in pursuance of this section, with this modification, that for the purposes of transfers to a local authority references to the school board shall be construed as references to the local authority and references to the Education Department as references to the Department of Science and Art, and references to a school shall, in the case of an institution not being a school, be construed as references to the institution.

(3.) In this section the expression "managers" includes all persons who have the management of any school or institution, whether the legal interest in the site and buildings of the school or institution is or is not vested in them.

2. *Short title.* This Act may be cited as the Schools for Science and Art Act, 1891.

CHAPTER 62.

[*London County Council (Money) Act, 1891.*]

An Act to further amend the Acts relating to the raising of Money by the London County Council, and for other purposes.

[5th August 1891.]

CHAPTER 63.

[*Highways and Bridges Act, 1891.*]

An Act to confer further powers on County Councils and other authorities with respect to Main Roads and other Highways and Bridges.

[5th August 1891.]

Be it enacted, &c. :

1. *Short title.* This Act may be cited as the Highways and Bridges Act, 1891.

2. *Extent of Act.* This Act shall not apply to Scotland or Ireland or the county of London.

3. *Agreement between highway authorities for improvement of roads and bridges.* The council of any administrative county, and any highway authority or authorities, and the council of any adjoining county, may from time to time make and carry into effect agreements with each other for or in relation to the construction, reconstruction, alteration or improvement, or the freeing from tolls, of any main road or other highway, or of any bridge (including the approaches thereto), wholly or partly situate within the jurisdiction of any one or more of the party or parties to the agreement.

All expenses incurred by any such county council or highway authority, in pursuance of this section, shall be defrayed as part of the expenses incurred in relation to the maintenance, repair, improvement, or enlargement of bridges, main roads, or other highways by such council or highway authority, in such proportions as shall be determined by any such agreement as aforesaid, and any powers of borrowing, applicable to the raising of any fund for the payment of any such expenses as aforesaid, shall be applicable accordingly.

Provided that if a highway board think it just that any parish or parishes specially benefited by any construction, reconstruction, alteration, or improvement under this section should bear the expense thereof, or any part of such expense, they may, with the approval of the county council of the county within which their highway district is situate, and with the assent of the inhabitants of such parish or parishes in vestry assembled, charge such expense, or such part thereof as they may think just, exclusively on such parish or parishes.

4. *Power to reduce main road to status of ordinary highway.* Section sixteen of the Highways and Locomotives Amendment Act, 1878 [41 & 42 Vict. c. 77], shall apply to any part of a main road in any county, and so much of such section as requires that any order made thereunder shall be provisional, and shall be confirmed as in the said Act mentioned, is hereby repealed, but no such order shall be made in respect of any main road within a municipal borough without the assent of

the council of the said borough having been first obtained.

5. *Contracts for supply of road material not to disqualify for election to county council.* No person shall be disqualified for being elected, or for being a member of a county council, by reason only of his having any share or interest in any contract with such county council for the supply from land, of which he is owner or occupier, of stone, gravel, or other materials for making or repairing highways or bridges. Provided always that no such share or interest in any contract shall exceed the amount of fifty pounds in any one year.

6. *Construction of Act.* Words and expressions to which meanings are assigned by the Local Government Act, 1888 [51 & 52 Vict. c. 41], have in this Act the same respective meanings, and in this Act the word "highway" includes any public bridle path or footway.

CHAPTER 64.

[Land Registry (Middlesex Deeds) Act,
1891.]

An Act to transfer the Middlesex Registry of Deeds to the Land Registry, and provide for the conduct of the business thereof.

[5th August 1891.]

Be it enacted, &c.:

1. *Transfer of Middlesex Registry to Land Registry.*

The Middlesex Registry shall be transferred to the Land Registry established under the Land Transfer Act, 1875 [38 & 39 Vict. c. 87], and shall form part of that office, and be conducted by the Registrar of that office accordingly, and all powers and indemnities subsisting and all penalties imposed for the purposes of the Land Transfer Act, 1875, shall be available for the purposes of the Middlesex Registry Act, 1708 [7 Anne, c. 20], and the Middlesex Registry Act, 1891 [54 & 55 Vict. c. 10].

2. *Rules.* (1.) Subject to any rules made under this section, the regulations in the First Schedule to this Act shall be observed in the Middlesex Registry.

(2.) The provisions as to making rules contained in sections one hundred and eleven and one hundred and twelve of the Land Transfer Act, 1875 (except so much of those provisions as requires regard to be had to the value of any land or charge in fixing fees), shall extend to the making of rules for the purposes of the Middlesex Registry Act, 1708 [7 Anne, c. 20]: Provided that the charges of solicitors which are regulated under the Solicitors' Remuneration Act, 1881, shall not be altered by any rule made under this section.

(3.) The Middlesex Registry Act, 1708, shall be construed as if the directions contained in any such rules and regulations were embodied in that Act.

3. *Transfer of buildings, effects, and moneys of Middlesex Registry.* (1.) All land, registers, books, papers, and effects held or used at the commencement of this Act for the purposes of the Middlesex Registry shall as from that date vest in Her Majesty for the public service, for all the estate and interest for which the same are then held or used, subject to the liabilities affecting the same.

(2.) All such land shall be under the management of the Commissioners of Works, and the Acts relating to the Commissioners of Works shall apply as if the land had been acquired by the Commissioners in pursuance of those Acts.

(3.) All moneys received on account of the Middlesex Registry shall be payable into the Exchequer.

4. *Existing officers of Middlesex Registry.* (1.) Such of the persons employed in and about the Middlesex Registry as the Lord Chancellor, with the consent of the Treasury, may declare by order to be necessary for the permanent organisation of the Registry, shall be transferred to the Land Registry, and shall perform such duties in relation to the business of the Land Registry as may be directed by the Lord Chancellor, and shall have the same relative rank, and shall receive out of moneys

provided by Parliament at least the same remuneration, as if this Act had not passed, and shall be in the permanent Civil Service of the State, and for the purpose of superannuation or other allowances may reckon service before the commencement of this Act in the Middlesex Registry as service in the said permanent Civil Service.

(2.) Every pension or compassionate allowance heretofore paid out of the surplus income of the Middlesex Registry shall continue, if and so far as the Treasury shall so determine, to be paid, and shall be paid out of moneys provided by Parliament; and there may be paid, out of moneys provided by Parliament, to any person who is permanently or otherwise employed in the Middlesex Registry and is not transferred as aforesaid, or whose employment is otherwise determined by the operation of this Act, such pension or gratuity as the Treasury, with the concurrence of the Lord Chancellor, may think fit.

5. *Discharges of mortgages.* Except on the application of the mortgagee named in the mortgage, his executors or administrators, it shall not be necessary for the Registrar to note on the register the discharge of a mortgage in any other manner than by registering a memorial of the instrument of discharge.

6. *Memorials as to judgments, &c., not to be registered.* It shall not be necessary for the validity of any judgment, statute, or recognizance, that a memorial thereof be registered under the Middlesex Registry Act, 1708.

7. *Repeal.* The Acts mentioned in the Second Schedule to this Act are hereby repealed as from the commencement of this Act to the extent in the third column of the said schedule mentioned.

8. *Short title and commencement.* This Act may be cited as the Land Registry (Middlesex Deeds) Act, 1891, and shall come into operation on the first day of April one thousand eight hundred and ninety-two.

SCHEDULES.

FIRST SCHEDULE.

[Section 2.]

(1.) Every memorial to be registered shall be put into writing on paper of a size and quality to be prescribed by the registrar and brought to the registry.

(2.) In case of deeds and conveyances, the memorial shall be under the hand and seal of some or one of the grantors, or some or one of the grantees, his or their heirs, executors, or administrators, guardians, or trustees, attested by one witness, such witness where practicable to be a witness to the execution of such deed or conveyance; which witness shall upon his oath prove the signing and sealing of such memorial, and, where such witness is a witness to the deed or conveyance, the execution of the deed or conveyance mentioned in such memorial.

(3.) In case of wills the memorial shall be under the hand and seal of some or one of the devisees, his or their heirs, executors, or administrators, guardians, or trustees, attested by one witness who shall upon his oath prove the signing and sealing of such memorial.

(4.) A certificate of such oath shall be indorsed on the memorial and shall be signed by the person before whom the oath has been taken.

(5.) Every memorial of any deed, conveyance, or will shall contain the day of the month and the year when such deed, conveyance, or will bears date, and the names and additions of all the parties to such deed or conveyance, and of the deviser or testatrix of such will, and of all the witnesses to such deed, conveyance, or will, and where practicable the places of their abode, and shall express or mention the lands and hereditaments contained in such deed, conveyance, or will, and the names of all the parishes within the county where any such lands or hereditaments are lying and being that are given, granted, conveyed, devised, or any way affected or charged by any such deed, conveyance, or will, in such manner as the same are expressed or mentioned in such deed, conveyance, or will, or to the same effect.

(6.) Every such deed, conveyance, or will, or

probate of the same, of which such memorial is so to be registered as aforesaid, shall be produced to an officer of the registry at the time of registering such memorial.

(7.) A certificate shall be indorsed by an officer of the registry on every such deed, conveyance, and will, or probate thereof, and shall mention the day on which such memorial is so registered, and shall also express in what book and under what number the same is registered, and the said certificate shall be signed by an officer of the registry, which certificate shall be taken and allowed as evidence of such respective registries in all courts of record whatsoever.

(8.) Every memorial shall be numbered, and the day of the month and year when every memorial is registered shall be entered in the margin thereof, and the registrar shall duly file every such memorial, in order of time, as the same shall be brought to the registry, and register the said memorials in the same order that they shall respectively come to his hands.

(9.) Where there are more writings than one for making and perfecting any conveyance or security which name, mention, or in any way effect or concern the same lands or hereditaments, it shall be a sufficient memorial and register thereof if all the said lands and hereditaments, and the parishes wherein the same lie, be only once named or mentioned in the memorial or register of any one of the deeds or writings made for the perfecting of such conveyance or security, and that the dates of the rest of the said deeds or writings relating to the said conveyance or security, with the names and additions of the parties and witnesses, and the places of their abodes, be only set down in the memorials and registers of the same, with a reference to the deed or writing whereof the memorial is so registered that contains or expresses the parcels mentioned in all the said deeds, and directions how to find the registering the same.

(10.) The filing of a memorial shall be the registration thereof required by the Middlesex Registry Act, 1708, and the registers shall consist of the filed memorials arranged or bound in volumes conveniently for reference.

(11.) Any person may search any register or index kept in the Land Registry in pursuance of this Act. The registrar as often as required, shall make searches concerning all memorials in the registry, and give certificates concerning the same if required.

(12.) Indexes shall be kept in such manner, and shall contain such particulars as to grantors, land affected, and otherwise, as the Registrar may direct.

(13.) The Registrar may form a consolidated index from the Lexicographical Index to cover such period as he may think advisable, and such index, when made, shall be in substitution for the indexes subsisting at the commencement of this Act for the period covered by such consolidated index.

(14.) Any person deriving title under an instrument (capable of registration under the Acts relating to the Middlesex Registry) which confers on him the right to apply for registration with a possessory title, of the land comprised in it under the Land Transfer Act, 1875, may at his option, either register a memorial of an instrument under the Acts relating to the Middlesex Registry, or apply for registration with possessory title under the Land Transfer Act, 1875. Such registration shall, when completed, bear the same date as the application, and render unnecessary the registration of the instrument under the Acts relating to the Middlesex Registry.

No fee shall be paid on such application other than the fee for the registration under the Land Transfer Act, 1875, and, if the application is made by a purchaser, no declaration as to possession shall be required.

In the event of an absolute title being afterwards applied for and obtained, allowance shall be made for the fees payable on the registration with possessory title.

(15.) The exercise by the Registrar of his powers under this schedule shall be subject to the approval of the Lord Chancellor.

SECOND SCHEDULE.

REPEALS [Section 7].

Session and Chapter.	Title or Short Title.	Extent of Repeal.
7 Anne, c. 20 - -	The Middlesex Registry Act, 1708 - - - -	Section two, from "in manner following" to the end of the section. Sections three to seven, eleven to fourteen, sixteen, nineteen, twenty, and twenty-two. The whole Act.
25 Geo. 2, c. 4 - -	An Act for appointing the deputy or secondary of the chief clerk to enrol pleas in the King's Bench called the master of the King's Bench Office one of the registrars or masters for the enrolment of deeds, wills, and other conveyances in the county of Middlesex, in the place and stead of such chief clerk.	
7 Will. 4 & 1 Vict. c. 30	An Act to abolish certain offices in the Superior Courts of Common Law, and to make provision for a more effective and uniform establishment of officers in those courts.	Section twenty-eight.
5 & 6 Vict. c. 103 -	An Act for abolishing certain offices of the High Court of Chancery in England.	Section thirty-four.
22 & 23 Vict. c. 21 -	An Act to regulate the office of Queen's Remembrancer, and to amend the practice and procedure on the revenue side of the Court of Exchequer.	Section seven.

CHAPTER 65.

[Lunacy Act, 1891.]

An Act to amend the Lunacy Act, 1890.

[5th August 1891.]

Be it enacted, &c. :

1. *Short title.*] This Act may be cited as the Lunacy Act, 1891, and this Act shall be construed as one with the Lunacy Act, 1890 [53 & 54 Vict. c. 5] (in this Act called the principal Act), and this Act and the principal Act may be cited together as the Lunacy Acts, 1890 and 1891.

2. *Provisions as to relieving officers.*] (1.) A constable, relieving officer, or overseer whose duty it is, under the principal Act, to convey a lunatic to or from an institution for lunatics, may make proper arrangements for the performance of the duty by some other person or persons.

(2.) Where in a union there are two or more relieving officers, and the guardians, with the sanction of the Local Government Board, direct one relieving officer to discharge throughout the union the duties of a relieving officer in respect of lunatics, every other relieving officer in the union shall inform the officer so directed of any case of a lunatic, with which it would otherwise devolve upon such other relieving officer to deal, and it shall be the duty of the relieving officer receiving such information to deal with the case, and the other relieving officer shall be discharged from any further duty in the matter.

3. *Classification of lunatics received under ss. 13, 16, of principal Act.*] A lunatic sent to an institution for lunatics under section thirteen or sixteen of the principal Act shall be classified as a pauper, until it is ascertained that he is entitled to be classified as a private patient.

4. *Amendments of 53 & 54 Vict. c. 5, section 24.*] (1.) Every pauper suffering from mental disease in a workhouse at the commencement of the principal Act, as to whom a report had before the commencement of the principal Act been made under section twenty-two of the Poor Law Amendment Act, 1867 [30 & 31 Vict. c. 106], may be detained in the workhouse against his will without an order under section twenty-four of the principal Act.

(2.) The medical superintendent of an asylum provided under the Metropolitan Poor Act, 1867 [30 Vict. c. 6], shall not be required in any certificate under sub-section one of section twenty-four of the principal Act, or under this Act, to certify to the effect in sub-clause (c) of that sub-section mentioned, and upon the transfer from a workhouse to an asylum provided under the Metropolitan Poor Act, 1867, of a lunatic, with regard to whom a certificate or order under the said section twenty-four made while he was in the workhouse is in force, no further certificate or order shall be required for the detention of the lunatic in the asylum.

5. *Medical certificates.*] There shall be attached to every order made by a justice under section

twenty-four of the principal Act the medical certificates on which such order is founded.

6. Where a workhouse is situate in a county which does not include the union to which the workhouse belongs, a summary reception order made by a justice of the county in which the workhouse is situate may order a lunatic in the workhouse to be received in any asylum, in which pauper lunatics chargeable to the union, to which the workhouse belongs, may legally be received.

7. Sub-section four of section thirty-eight of the principal Act is hereby repealed, and the following sub-section is substituted therefor:—

(4.) A reception order shall remain in force for a year after the date by this Act or by an order of the Commissioners appointed for it to expire, and thereafter for two years, and thereafter for three years, and after the end of such periods of one, two, and three years for successive periods of five years, if not more than one month nor less than seven days before the expiration of the period at the end of which, as fixed by this Act or by an order of the Commissioners under sub-section two, the order would expire, and of each subsequent period of one, two, three, and five years respectively, a special report of the medical officer of the institution or of the medical attendant of the single patient as to the mental and bodily condition of the patient with a certificate under his hand certifying that the patient is still of unsound mind and a proper person to be detained under care and treatment is sent to the Commissioners.

8. Section thirty-nine of the principal Act shall not apply to lunatics received under a removal order or to lunatics so found by inquisition.

9. (1.) In sub-section three (a) of section fifty-five of the principal Act the words "or to travel in England" shall be inserted after the word "place."

(2.) In sub-section six of section fifty-five of the principal Act, for the words "licensed by visitors" shall be substituted the words "licensed by justices," and for the words "the Commissioners or visitors" shall be substituted the words "such Commissioner or such two visitors."

10. In sub-section three of section fifty-six of the principal Act the words "or permit the patient to be absent upon trial for such period as may be thought fit" shall be added after the word "health" at the end of the sub-section.

11. In sub-section one of section sixty-one of the principal Act the words "to the workhouse of the union to which the lunatic is chargeable, or if the lunatic is chargeable to a county or borough, to the workhouse of the union from which he was sent to the hospital or licensed house" shall be inserted after the words "of the lunatic."

12. *Hospitals may alter regulations.*] The managing committee of every hospital may, with the approval of a Secretary of State, alter the regulations of the hospital.

13. *Boroughs annexed to counties under s. 246 to contribute to expense of asylum.*] (1.) Where under section two hundred and forty-six of the principal Act, a borough ceases to be a local authority under that Act, the borough shall for all purposes of that Act be annexed to and treated as part of the county in which the borough is situate, and if or so far as the borough has not contributed towards the expense of providing the asylum of the county, a sum to be paid by the borough towards the expenses already incurred in providing the asylum shall be fixed by agreement between the councils of the county and borough, or in default of agreement by an arbitrator appointed by the parties, or, if the parties cannot agree upon an arbitrator, by an arbitrator appointed by the Local Government Board. In fixing the sum to be paid by the borough, the borough shall be credited with any sums already contributed by the borough for lunacy purposes in excess of its legal liability; and the arbitrator shall take into consideration the amounts that may have been paid by the borough for the reception or maintenance, in the asylum of the county, of the lunatics of the borough.

(2.) Where a borough had before the passing of this Act, by virtue of section eighty-six of the Local Government Act, 1888 [51 & 52 Vict. c. 41], and the determination of any contract, become liable to contribute to the county rate of the county in respect of a lunatic asylum, this section shall apply to such borough as if it had immediately after the passing of this Act ceased under section two hundred and forty-six of the principal Act to be a local authority.

14. *Power to refer questions as to asylums to the court or to arbitration.*] Any question relating to lunatic asylums or the maintenance of lunatics arising between any local authorities under the principal Act and any boroughs not being local authorities under that Act, and any visiting committees or any two or more of such parties respectively, may be referred to an arbitrator appointed by the parties, or, if the parties cannot agree upon an arbitrator, by the Local Government Board.

15. *S. 62 of 51 & 52 Vict. c. 41 applied.*] The provisions of sub-sections five, six, and seven of section sixty-two of the Local Government Act, 1888, shall apply to every sum by virtue of this Act agreed to be paid or awarded by an arbitrator as if such sum had been agreed to be paid or awarded under section sixty-two of the Local Government Act, 1888.

16. *Amendment of s. 254 of 53 & 54 Vict. c. 5.*] In sub-section two of section two hundred and fifty-four of the principal Act there shall be added after the word "contracts" the words "for the purchase of lands and buildings and for the erection, restoration, and enlargement of buildings."

17. *Contracts by town councils and the subscribers to a hospital.*] Where a contract between the council of a borough and the subscribers to a hospital for the reception of pauper lunatics into the hospital was

subsisting on the twenty-sixth day of August, one thousand eight hundred and eighty-nine, such contract, unless determined by the parties or one of them, shall be deemed to have continued in force since that date, and may be renewed subject to the same conditions and with the same consequences as if the contract had been entered into by a visiting committee on behalf of the borough.

18. *Accounts of county asylums.*] The provisions of the Local Government Act, 1888, relating to the accounts of county councils and their officers, and to the audit of such accounts, shall apply to the accounts of every asylum belonging wholly or in part to a county council and of the visiting committee and officers thereof.

19. *Removal of lunatic becoming a pauper.*] (1.) Where a lunatic in a hospital or licensed house becomes a pauper, the manager of the hospital or house may, after having given notice to the authority liable for the maintenance of the lunatic of his intention so to do, apply to a justice of the peace having jurisdiction in the place where the hospital or house is situate for an order for the removal of the lunatic, and such justice may, if he thinks fit, make an order for the removal of the lunatic to an institution for lunatics to which the authority is liable for whose maintenance the reception of the lunatic therein, and such institution shall be named in the order, and the manager of the hospital or house shall forthwith cause the lunatic to be removed to the institution named in the order. In the case of such removal the original reception order shall remain in force, and shall authorize the classification of the lunatic as a pauper lunatic in the institution to which he is removed.

(2.) The costs of obtaining an order under this section and of the removal of the lunatic shall be repaid to the manager who obtains the order by the authority liable for the maintenance of the lunatic, and any justice having jurisdiction in the place where the hospital or house from which the lunatic was removed is situate shall have power to fix the amount of such costs and to order such section three hundred and fourteen of the principal Act shall apply to every such order for the repayment of costs.

20. *Notice of reception of boarders into licensed houses and hospitals.*] Where a boarder is received into a licensed house not within the immediate jurisdiction of the Commissioners in Lunacy, or into a registered hospital, notice of his reception within twenty-four hours of his reception by the manager of the licensed house or hospital into which such boarder has been received.

If any manager fails to comply with the provisions of this section he shall, for each day or part of a day during which the default continues, be liable to a penalty not exceeding five pounds.

If the Commissioners after inquiry are of opinion that the mental state of any boarder received into a licensed house or hospital is such as to render him unfit to remain as a boarder, they may order the manager of the licensed house or hospital either to remove such boarder or to take steps to obtain an order for his reception as a patient into the licensed house or hospital.

Any manager failing to comply with an order of the Commissioners in Lunacy made pursuant to this section shall, for each day during which the default continues, be liable to a penalty not exceeding five pounds.

21. *Complaints as to control of patients.*] If complaints are made by persons resident in the neighbourhood of any hospital that the patients are allowed to go outside the hospital without a sufficient number of officers to control them, or that the patients are allowed to wander at large without any control, the Commissioners may, if they are satisfied that there are prima facie grounds for making such order in relation thereto as the Commissioners think just, and the superintendent of any hospital disobeying any such order shall be guilty of a misdemeanor.

22. *Payment of expenses as to lunatics becoming paupers.*] The provisions of the principal Act for the payment of expenses in relation to pauper

lunatics shall be applicable with respect to lunatics in institutions or lunatics who become paupers.

23. *Form of petition amended.*] In Form 1 in the Second Schedule to the principal Act there shall be substituted for the word "Dated" the words "Date of presentation of the petition."

24. *Amendment as to judicial authority under 53 & 54 Vict. c. 5.*] (1.) A justice of the peace specially appointed under section ten of the principal Act may exercise the powers of the judicial authority under that Act, notwithstanding that he may not have jurisdiction in the place where the lunatic or alleged lunatic is.

(2.) A judicial authority may, if he considers it expedient, transfer a petition for a reception order presented to him to any other judicial authority who is willing to receive the same, whether such other judicial authority has or has not jurisdiction in the place where the lunatic is, and such other judicial authority shall have the same powers as the judicial authority to whom the petition was presented would have had.

(3.) A reception order made after the passing of this Act shall not be invalid on the ground only that the justice of the peace who signed the order shall appear to have not been duly appointed under section ten of the principal Act, if the order is signed by a judicial authority.

(4.) The appointment at any time before or after the passing of this Act by the justices of a county or quarter sessions borough of justices to exercise the powers of the judicial authority under the principal Act shall not be invalid on the ground only that the appointment includes all the justices of the county or borough.

(5.) Every justice appointed under section ten of the Lunacy Acts Amendment Act, 1889, shall be deemed to have had power to exercise the jurisdiction conferred upon the judicial authority under the principal Act, and the jurisdiction of such justices and of any justices appointed or hereafter deemed to have continued and shall continue until a fresh appointment is made.

25. *Power to confer powers of justice of the peace on member of board of guardians.*] If for the due administration of the Lunacy Acts, 1890 and 1891, in any union it appears to the Lord Chancellor desirable, he may by writing under his hand empower the chairman of the board of guardians to sign orders for the reception of persons as pauper lunatics in institutions for lunatics, and every order so signed shall have effect as if made by a justice of the peace under the principal Act.

26. *Amendments in procedure upon inquisitions.*] (1.) The provisions of section ninety-four subsection two of the principal Act as to the trial of inquisitions, and the masters may, for the purpose of inquisitions held before them, exercise the powers by that sub-section conferred upon the judge who tries the issue.

(2.) The masters may make orders for the attendance of an alleged lunatic at such time and place as the order directs, for examination by the masters or a medical practitioner, and such order may be enforced in the same way as an order of a Judge of the High Court.

27. *Procedure as to Chancery lunatics.*] (1.) Subject to rules in lunacy the jurisdiction of the Judge in Lunacy as regards administration and management may be exercised by the masters, and every order of a master in that behalf shall take effect unless annulled or varied by the Judge in Lunacy.

(2.) The power to make rules under section three hundred and thirty-eight, sub-section (2), of the principal Act shall extend to all applications under the principal Act and this Act, and also to applications in the Chancery Division of the High Court in cases where such applications are also made under the principal Act.

(3.) The power conferred by section one hundred and forty-eight of the principal Act to make rules fixing per-centage and fees shall be deemed to extend to all proceedings under the principal Act by inquisition or to any other person in relation to whom or to whose property an order under the said Acts has been or may be made. Provided that in the case of lunatics under the protection of the

Judge in Lunacy by virtue of the transmission of the record of an inquisition from Ireland and its entry of record in the High Court, and in the case of persons residing out of England and declared lunatic according to the laws of their place of residence, no per-centage shall be levied except upon income arising from property within the jurisdiction of the Judge in Lunacy and administered under his direction.

(4.) The provisions of section one hundred and sixteen, sub-section two, of the principal Act shall apply to the persons named in sub-section one (d.) of the same section though not lunatics.

28. *Definition of seized and possessed.*] In the principal Act, the word "seised" shall include any vested estate for life or of a greater description, and shall extend to estates at law and in equity in possession or in futurity in any lands; and the word "possessed" shall include any vested estate less than a life estate at law or in equity in possession or in expectancy in any lands.

29. *Repeal.*] The enactments in the schedule are hereby repealed.

The SCHEDULE.

ENACTMENTS REPEALED [Section 29].

Session and Chapter.	Short Title.	Extent of Repeal.
53 & 54 Vict. c. 5	The Lunacy Act, 1890	Section nine, sub-section one, from "having" to the end of the sub-section. Section ten, in sub-section one the words "within the county and borough respectively" and in sub-section four the words "within the same" occurring twice. Section thirteen, sub-section two, from "within" to "jurisdiction." Section twenty-four, sub-section six, from "that a pauper" to "asylum" where that word next occurs. Section sixty-two. Section ninety-nine the words "with a jury." Section one hundred and forty-nine. Section two hundred and forty-six, from "subject" to "an asylum." Section two hundred and seventy-nine. Section three hundred and thirty-eight, sub-section two, the words "in lunacy." The Second Schedule, Form 13. The Fourth Schedule, the references to "Dover" and "Maidstone" repealed as from the commencement of the Lunacy Act, 1890.

CHAPTER 66.

[Local Registration of Title (Ireland) Act, 1891.]

An Act to establish Local Registries of Titles to Land in Ireland.
[5th August 1891.]

CHAPTER 67.

[Statute Law Revision Act, 1891.]

An Act for further promoting the Revision of the Statute Law by repealing Enactments which have ceased to be in force or have become unnecessary.
[5th August 1891.]

CHAPTER 68.

[County Councils (Elections) Act, 1891.]

An Act to alter the Date of holding County Council Elections, and to remove Doubts respecting the Holding of such Elections.

[5th August 1891.]

Be it enacted, &c.:

1. *Change of date of elections.* (1.) The ordinary day of election of county councillors in each county shall be such day between the first and eighth day of March as the county council may fix, and, if no date is so fixed, shall be the eighth day of March.

(2.) The ordinary day of retirement of county councillors shall be the eighth day of March in every third year, and on that day the county councillors then in office shall retire together, and their places shall be filled by the newly-elected councillors, who shall come into office on that day.

(3.) The sixteenth day of March or such other day within ten days after the ordinary day of retirement of county councillors as the council of any county may from time to time fix for that county, shall, in substitution for the ninth day of November, be the ordinary day of election of the chairman, and of the alderman, and the day for holding a quarterly meeting, and if the county council fix any hour for the quarterly meeting, that hour shall be substituted for the hour specified in the Municipal Corporations Act, 1882 [45 & 46 Vict. c. 50].

(4.) All periods which, in the enactments of the Municipal Corporations Act, 1882, are computed by reference to the first or ninth day of November shall, so far as those enactments apply to county councils, be computed by reference to such of the above-mentioned days then next following as the case requires.

The ordinary day of election of councillors shall be fixed by the county council not less than six weeks before the ordinary day of retirement of county councillors.

Nothing shall authorize or require a returning officer to hold an election of a county councillor to fill a casual vacancy which occurs within six months before the ordinary day of retirement of county councillors.

2. *County registers.* (1.) The county register shall be completed before the twentieth day of December in every year and come into operation on the next first day of January.

(2.) The Burgess lists forming the Burgess roll, which comes into operation on the first day of November in every year, shall on and after that day until the next first day of January form part of the county register in substitution for the former Burgess lists.

3. *Removal of doubts and amendment as to election of county councillors in boroughs.* For the purpose of the election of county councillors for any electoral division which is co-extensive with, or wholly comprised in, a municipal borough, the following provisions shall have effect:—

(a.) The mayor of the borough, or some person appointed by him, or, if the mayor is dead or absent or otherwise incapable of acting, an alderman appointed by the council of the borough, shall be the returning officer, and so far as respects such election shall follow the instructions of, and return the names of the persons elected to, the county returning officer:

(b.) Nothing in section seventy-five of the Local Government Act, 1888 [51 & 52 Vict. c. 41], substituting the returning officer or his deputy for the town clerk, shall extend to any such election.

4. *Transitory provisions.* The chairmen and vice-chairmen of county councils, and the deputy chairmen of the London County Council, county aldermen, and county councillors, and committees (including the members of a joint committee appointed by a county council) whose term of office would but for this Act expire on the ordinary day of election in November next after the passing of this Act, shall go out of office on the next following ordinary day of election or retirement (as the case may be) fixed by this Act, and

their term of office shall be extended accordingly; but nothing shall authorize or require the returning officer to hold an election of a county councillor to fill a casual vacancy at any time before the ordinary day of election next after the passing of this Act, and the aldermen whose term of office would, but for this Act, expire at the end of three years after the November next after the passing of this Act shall go out of office on the ordinary day of election next following the end of those years, and their term of office shall be extended accordingly.

5. *Amendment of 45 & 46 Vict. c. 50, ss. 34, 35; and 51 & 52 Vict. c. 41, s. 75.* The declaration required under sections thirty-four and thirty-five of the Municipal Corporations Act, 1882, to be made by a person elected to a corporate office in a county may be made at any time within three months after notice of the election, and such declaration may be made either in the manner prescribed by the Local Government Act, 1888, or before any justice of the peace or commissioner to administer oaths in the Supreme Court of Judicature.

6. *Returning officer not disqualified for membership of county council.* It is hereby declared that a person shall not be disqualified, nor be deemed ever to have been disqualified, under section twelve of the Municipal Corporations Act, 1882, for being a member of a county council by reason only of his being appointed returning officer by that council, except where he has directly or indirectly by himself or his partner received any profit or remuneration in respect of such appointment.

7. *Repeal.* The Act specified in the Schedule to this Act is hereby repealed to the extent of the third column in that schedule mentioned.

8. *Short title and construction.* This Act may be cited as the County Councils (Elections) Act, 1891, and shall be construed as one with the Local Government Act, 1888.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	Section seventy-five, from "In a year in which" to "be conducted together," being sub-section one; from "In a borough the returning officer" down to "construed to refer to the town clerk," being sub-section six; and from "The period between" down to "returning officer may fix," being sub-section nine; and from "The seventh of November" to "quarterly meeting of the county council," being sub-section thirteen; and from "shall authorize or require" to "such electoral division or," being paragraph (d) of sub-section sixteen.

CHAPTER 69.

[Penal Servitude Act, 1891.]

An Act to amend the Law relating to Penal Servitude and the Prevention of Crime.

[5th August 1891.]

Be it enacted, &c.:

1. *Amendment of law as to term of penal servitude and as to sentences of imprisonment.* (1.) Where under any enactment in force when this section comes into operation a court has power to award a sentence of penal servitude, the sentence may, at the discretion of the court, be for any period not less than three years, and not exceeding either five years, or any greater period authorized by the enactment.

(2.) Where any Act now in force or under any future Act a court is empowered or required to award a sentence of penal servitude, the court may in its discretion, unless such future Act otherwise provides, award imprisonment for any term not exceeding two years, with or without hard labour.

(3.) Section two of the Penal Servitude Act, 1864 [27 & 28 Vict. c. 47], is hereby repealed with respect to any sentence awarded after the date at which this section comes into operation.

2. *Amendment of law as to apprehension of licensees and supervisors.* (1.) Any constable may take into custody without warrant any holder of a licence under the Penal Servitude Acts, or any person under the supervision of the police in pursuance of the Prevention of Crimes Act, 1871 [34 & 35 Vict. c. 112], whom he reasonably suspects of having committed any offence, and may take him before a court of summary jurisdiction to be dealt with according to law.

(2.) Any convict may be convicted before a court of summary jurisdiction of an offence against section 3 of the Prevention of Crimes Act, 1871 [34 & 35 Vict. c. 112], although he was brought before the court on some other charge or not in manner provided by that section.

(3.) Section six of the Penal Servitude Act, 1864 [27 & 28 Vict. c. 47], is hereby repealed.

3. *Power to grant licences in cases of unexpired terms.* (1.) Where an offender is, under section nine of the Penal Servitude Act, 1864, undergoing, or liable to undergo, a term of penal servitude in consequence of the forfeiture or revocation of a licence granted in pursuance of the Penal Servitude Acts, Her Majesty may grant a licence to the offender in like manner as if the forfeiture or revocation of the former licence were a sentence of penal servitude which the offender is liable to undergo.

(2.) Where a person is sentenced on any conviction to a term of penal servitude, and by virtue of the same conviction his licence is forfeited, the term for which he is sentenced, together with the term which he is required further to undergo under the said section, shall, for all purposes of the Penal Servitude Acts relating to licences, be deemed to be one term of penal servitude, and those Acts shall apply as if, on conviction of the offence, the offender had been sentenced to the combined term.

(3.) In section nine of the Penal Servitude Act, 1864 [27 & 28 Vict. c. 47], the words "on indictment of any offence" shall be substituted for the words "of any indictable offence," and in Schedule A. to the said Act the words "on indictment of some offence" shall be substituted for the words "of some indictable offence."

4. *Amendment of law as to notices of residence to be given by licensees and supervisors.* (1.) Sections five and eight of the Prevention of Crimes Act, 1871, and section two of the Prevention of Crimes Act, 1879 [42 & 43 Vict. c. 55], (which recites and refers to those sections), shall have effect as if the following substitutions had been made in the said sections five and eight; that is to say,

(a.) As if for the words "and whenever he changes his residence from one police district to another" shall notify such change of residence to the "chief officer of police of the police district" which he is leaving, and to the chief officer of "police of the police district into which he goes" to reside" occurring in each section there had been substituted in each section the following words:

"and whenever he is about to leave a police district he shall notify such his intention to the chief officer of police of that district," stating the place to which he is going, and "also, if required, and, so far as is practicable, his address at that place, and whenever he arrives in any police district he shall forthwith notify his place of residence to the chief officer of police of such last-mentioned district;" and

(b.) As if for the words in section five, from "If any holder" to the end of the section, and for the words in section eight, from "If any person" to the end of the section, there had been substituted in each section the following words:—

"If any person to whom this section applies fails to comply with any of the requisitions of this section, he shall, in any such case, be

guilty of an offence against this Act, unless he proves to the satisfaction of the court before whom he is tried, either that being on a journey he tarried no longer in the place, in respect of which he is charged with failing to notify his place of residence, than was reasonably necessary, or that otherwise he did his best to act in conformity with the law; and on conviction of such offence it shall be lawful for the court in its discretion either to forfeit his licence, or to sentence him to imprisonment with or without hard labour for a term not exceeding one year."

(2.) Her Majesty may, by order under the hand of a Secretary of State, remit any of the requirements of sections five and eight of the Prevention of Crimes Act, 1871, either generally or in the case of any holder of a licence or person subject to the supervision of the police.

5. *Amendment of 27 & 28 Vict. c. 47, ss. 4, 8.* The provisions of the Penal Servitude Act, 1864, applying to a licence in the form set forth in Schedule A. to that Act, shall apply also to a licence in any other form for the time being authorised by section ten of that Act.

6. *Extension of 34 & 35 Vict. c. 112, s. 7.* A person who has been convicted on indictment of a crime within the meaning of the Prevention of Crimes Act, 1871, and against whom a previous conviction of such a crime is proved shall,

- (a.) if the second sentence is to a term of imprisonment, then at any time within seven years after the expiration of the sentence; and
- (b.) if the second sentence is to a term of penal servitude, then whilst at large on licence under that sentence, and also at any time within seven years after the expiration of the sentence,

be guilty of an offence against the Prevention of Crimes Act, 1871, under the circumstances stated in section seven of that Act or any of them, and may be taken into custody in manner provided by that section.

7. *Amendment of 5 Geo. 4, c. 83, and 34 & 35 Vict. c. 112, s. 15 as to rogues and vagabonds.* Section four of the Act passed in the fifth year of the reign of King George the Fourth, chapter eighty-three, intitled "An Act for the punishment of idle and disorderly persons and rogues and vagabonds in that part of Great Britain called England," as amended by section fifteen of the Prevention of Crimes Act, 1871, shall be read and construed as if the provisions applying to suspected persons and reputed thieves frequenting the places and with the intent therein described, applied also to every suspected person or reputed thief loitering about or in any of the said places and with the said intent.

8. *Regulations as to measuring and photographing of prisoners.* The Secretary of State may make regulations as to the measuring and photographing of all prisoners who may for the time being be confined in any prison; and all the provisions of section six of the Prevention of Crimes Act, 1871, with respect to the photographing of prisoners shall apply to any regulations as to measuring made in pursuance of this section. All regulations made under this section shall be laid before both Houses of Parliament as soon as practicable after they are made.

9. *Application to Scotland and Ireland.* The powers of the Secretary of State under this Act shall be exercised as to Scotland by the Secretary for Scotland, and as to Ireland by the Lord Lieutenant.

10. *Application of penal servitude provisions to Channel Islands and Isle of Man.* Any person convicted in the Channel Islands or the Isle of Man of an offence for which he is sentenced to penal servitude may be confined, removed, and otherwise dealt with in the same place and manner as if he had been convicted in the United Kingdom.

11. *Short title.* This Act may be cited as the Penal Servitude Act, 1891, and this Act and the Penal Servitude Acts, 1853 [16 & 17 Vict. c. 99], 1857 [20 & 21 Vict. c. 3], and 1864 [27 & 28 Vict. c. 47], may be cited collectively as the Penal Servitude Acts, 1853 to 1891, and are in this Act referred to as the Penal Servitude Acts.

CHAPTER 70.

[Markets and Fairs (Weighing of Cattle) Act, 1891.]

An Act to amend the Markets and Fairs (Weighing of Cattle) Act, 1887.

[5th August 1891.]

Whereas it is expedient to amend the Markets and Fairs (Weighing of Cattle) Act, 1887 [50 & 51 Vict. c. 27] (hereinafter referred to as the principal Act):

Be it therefore enacted, &c.:

1. *Transfer of powers under 50 & 51 Vict. c. 27, s. 9.* As from the passing of this Act the powers under section nine of the principal Act of the Local Government Board as to England and Wales and of the Secretary for Scotland as to Scotland shall be transferred to and vest in the Board of Agriculture, and the powers under the same section of the Local Government Board for Ireland shall be transferred to and vest in the Irish Land Commission.

2. *Amendment of 50 & 51 Vict. c. 27, s. 4, as to accommodation for weighing cattle.* (1.) The market authority of every market and fair to which the principal Act for the time being applies shall, unless exempted by order of the Board of Agriculture from the requirements of this section, provide and maintain to the satisfaction of the Board sufficient and suitable accommodation for weighing cattle.

(2.) Default in complying with the requirements of this section shall be deemed default in complying with the requirements of section four of the principal Act.

3. *Statistics as to weight and sale of cattle.* (1.) The market authority of every market and fair held in any of the places mentioned in the schedule to this Act shall send to the Board of Agriculture returns, at such intervals, and in such form and with such particulars as the Board of Agriculture by order prescribe, shewing, so far as the market authority can ascertain the same, the number of cattle entering and the number and weight of cattle weighed at the market or fair, and the price of the cattle sold thereat. Such market authority may, for the purpose of making a prescribed return, cause any cattle which have been sold at the market to be weighed without fee.

(2.) The Board of Agriculture shall publish the returns so sent, or abstracts thereof, or extracts therefrom, in such manner as they think most expedient for the information of the public.

(3.) If a market authority wilfully makes default in complying with the requirements of this section, it shall for each offence be liable on summary conviction to a fine not exceeding twenty pounds, or in case of a continuing offence to a fine not exceeding ten pounds, for every day during which the offence continues.

(4.) If any person makes any false or fraudulent statement in any return made in pursuance of this section he shall be guilty of a misdemeanour.

(5.) The Board of Agriculture may from time to time vary or add to the list of places in the schedule to this Act.

4. *Application of Act to auction marts.* (1.) An auctioneer shall not, unless exempted by order of the Board of Agriculture from the requirements of this section, sell cattle at any mart where cattle are habitually or periodically sold unless there are provided at that mart similar facilities for weighing cattle as are required by the principal Act and this Act in the case of cattle sold at a market or fair to which the principal Act applies.

(2.) Every auctioneer who in any place from which returns are required to be made under this Act sells cattle at any such mart as aforesaid shall, unless exempted as aforesaid, make the like returns to the Board of Agriculture with respect to cattle entering, weighed, and sold at that mart as are required by this Act to be made by a market authority, and shall be subject to the like penalty for making any false or fraudulent statement in any such return.

(3.) If any such auctioneer makes default in complying with the requirements of this section, the auctioneer, or, if he is in the employment of

any person, the person by whom he is employed, shall for each offence be liable on summary conviction to a fine not exceeding twenty pounds, or in case of a continuing offence to a fine not exceeding ten pounds for every day during which the offence continues.

(4.) This section shall not come into operation until the first day of January one thousand eight hundred and ninety-two.

5. *Application to Ireland.* This Act shall, in its application to Ireland, be construed as if for the expression "the Board of Agriculture" were substituted the expression "the Irish Land Commission."

6. *Construction and short title.* This Act shall be construed as one with the principal Act, and may be cited as the Markets and Fairs (Weighing of Cattle) Act, 1891, and the principal Act and this Act may be cited together as the Markets and Fairs (Weighing of Cattle) Acts, 1887 and 1891.

SCHEDULE.

ENGLAND.

Ashford.	London (Metropolitan
Birmingham.	Cattle Market).
Bristol.	Newcastle-on-Tyne.
Leicester.	Norwich.
Leeds.	Salford.
Lincoln.	Shrewsbury.
Liverpool (Stanley	Wakefield.
Market).	York.

SCOTLAND.

Aberdeen.	Glasgow.
Dundee.	Perth.
Edinburgh.	

IRELAND.

Belfast.	Dublin.
Cork.	

CHAPTER 71.

[Labourers (Ireland) Act, 1891.]

An Act to amend the Labourers, Ireland, Acts. [5th August 1891.]

CHAPTER 72.

[Coinage Act, 1891.]

An Act to amend the Coinage Act, 1870.

[5th August 1891.]

Be it enacted, &c.:

1. *Provision as to exchange of light gold coins.*

(1.) It shall be lawful for Her Majesty, by Order in Council, to direct that gold coins of the realm which have not been called in by proclamation and are below the least current weight as provided by the Coinage Act, 1870 [33 & 34 Vict. c. 10], shall, if they have not been illegally dealt with, and subject to such conditions as to time, manner, and order of presentation, as may be mentioned in the Order, be exchanged or paid for by or on behalf of the Mint at their nominal value.

(2.) For the purposes of this Act a gold coin shall be deemed to have been illegally dealt with where the coin has been impaired, diminished, or lightened otherwise than by fair wear and tear, or has been defaced by having any name, word, device, or number stamped thereon, whether the coin has or has not been thereby diminished or lightened.

(3.) In a sovereign or half sovereign loss of weight exceeding three grains from the standard weight shall, for the purposes of this Act, be prima facie evidence that the coin has been impaired, diminished, or lightened otherwise than by fair wear and tear.

(4.) Towards meeting the expenses to be incurred in pursuance of this section the sum of four hundred thousand pounds shall be charged on and issued from the Consolidated Fund in the year ending the thirty-first day of March, one thousand eight hundred and ninety-two, and, so far as not immediately required, may be invested in such manner as the Treasury direct: and any interest thereon shall be applied for the purposes of this section.

2. *Remedy allowances for coin.* The remedy allowances for gold, silver, and bronze coins shall be such as are specified in the schedule to this Act; and in all copies of the Coinage Act, 1870, printed after the passing of this Act, the First Schedule to that Act

shall be printed so as to give effect to the amendments made by this section.

3. *Short titles and construction.* (1.) This Act may be cited as the Coinage Act, 1891.

(2.) This Act and the Coinage Act, 1870, may be cited together as the Coinage Acts, 1870 and 1891.

(3.) Expressions used in this Act have the same meaning as in the Coinage Act, 1870.

SCHEDULE.

Denomination of Coin.	Standard Finesness.	Remedy Allowance.		
		Weight per piece.		Millesimal Finesness.
		Imperial Grains.	Metric Grams.	
GOLD:	Eleven-twentieths fine gold.	1.00	0.06479	2
	Two-pound - one twelfth alloy; or	0.40	0.02592	
	Sovereign - or millesimal	0.20	0.01296	
	Half-sovereign - finesness 916.6.	0.15	0.00972	
SILVER:	Thirty-seven fortieths fine silver, three-for-tieths alloy; or millesimal finesness 925.	2.000	0.1296	4
	Crown - - -	1.678	0.1087	
	Double-florin - - -	1.354	0.0788	
	Florin - - -	0.907	0.0646	
	Shilling - - -	0.578	0.0375	
	Sixpence - - -	0.346	0.0224	
	Groat or Fourpence - - -	0.242	0.0170	
	Threepence - - -	0.212	0.0138	
	Twopence - - -	0.144	0.0093	
	Penny - - -	0.087	0.0056	
BRONZE:	Mixed metal, copper, tin, and zinc.	2.91666	0.18890	None.
	Penny - - -	1.75000	0.11330	
	Halfpenny - - -	0.87500	0.05660	

CHAPTER 73.

[Mortmain and Charitable Uses Act, 1891.]

An Act to amend the Mortmain and Charitable Uses Act, 1888, and the Law relating to Mortmain and Charitable Uses.

[5th August 1891.]

Be it enacted, &c.:

1. *Short title.* This Act may be cited as the Mortmain and Charitable Uses Act, 1891.

2. *Extent of Act.* This Act shall not extend to Scotland or Ireland.

3. *Definition of "land."* "Land" in the Mortmain and Charitable Uses Act, 1888 [51 & 52 Vict. c. 42], and in this Act, shall include tenements and hereditaments, corporeal or incorporeal, of any tenure, but not money secured on land or other personal estate arising from or connected with land; and the definition of land contained in the Mortmain and Charitable Uses Act, 1888, is hereby repealed.

4. *Meaning of "assurance."* In this Act the word "assurance" shall have the same meaning as in the Mortmain and Charitable Uses Act, 1888.

5. *Land assured by will for a charitable purpose to be sold.* Land may be assured by will to or for the benefit of any charitable use, but, except as herein-after provided, such land shall, notwithstanding anything in the will contained to the contrary, be sold within one year from the death of the testator, or such extended period as may be determined by the High Court, or any judge thereof sitting at chambers, or by the Charity Commissioners.

6. *Land after expiration of time limited for sale to be sold by order of Charity Commissioners.* So soon as the time limited for the sale of any lands under any such assurance shall have expired without completion of the sale of the land, the land unsold shall vest forthwith in the official trustee of charity lands, and the Charity Commissioners shall take all necessary steps for the sale or completion of the sale of such land to be effected with all reasonable speed by the administering trustees for the time being thereof, and for this purpose the said Commissioners may make any order under their seal directing such trustees to proceed with the sale or completion of the sale of the

said land or removing such trustees and appointing others, and may provide by any such order for the payment of the proceeds of sale to the official trustees of charitable funds in trust for the charity, and for the payment of the costs and expenses incurred by the said administering trustees in or connected with such sale, and every such order shall be enforceable by the same means and be subject to the same provisions as are applicable under the Charitable Trusts Act, 1853 [16 & 17 Vict. c. 137], and the Acts amending the same, respectively, to any orders of the said Commissioners made thereunder.

7. *Personal estate by will directed to be laid out in land not to be so laid out.* Any personal estate by will directed to be laid out in the purchase of land to or for the benefit of any charitable uses shall, except as herein-after provided, be held to or for the benefit of the charitable uses as though there had been no such direction to lay it out in the purchase of land.

8. *Power to retain land in certain cases.* It shall be lawful for the High Court, or any judge thereof sitting at chambers, or for the Charity Commissioners, if satisfied that land assured by will to or for the benefit of any charitable use, or proposed to be purchased out of personal estate by will directed to be laid out in the purchase of land, is required for actual occupation for the purposes of the charity and not as an investment, by order to sanction the retention or acquisition, as the case may be, of such land.

9. *Application of Act.* This Act shall only apply to the will of a testator dying after the passing of this Act.

10. *Saving.* Nothing in this Act contained shall limit or affect the exemptions contained in Part Three of the Mortmain and Charitable Uses Act, 1888, or apply to any land or personal estate to be laid out in the purchase of land acquired under any assurance to which such exemptions or any of them apply, or shall exclude or impair any jurisdiction or authority which might otherwise be exercised by a court or judge of competent jurisdiction or by the Charity Commissioners.

CHAPTER 74.

[Foreign Marriage Act, 1891.]

An Act to amend and explain the Foreign Marriage Acts.

[5th August 1891.]

Whereas the Consular Marriage Act, 1849, and the Acts amending the same [12 & 13 Vict. c. 68, 31 & 32 Vict. c. 61] were by the Marriage Act, 1890 [53 & 54 Vict. c. 47], extended to marriages in British Embassies and on board Her Majesty's ships and other places, and by the Marriage Act, 1890, power was given to Her Majesty the Queen in Council to make regulations for adapting the said Acts to those marriages and for other purposes therein mentioned, and it is expedient to remove various doubts which have arisen respecting the application of the said Acts, and respecting the powers which may be exercised by the said regulations, in this Act referred to as the "marriage regulations," and to make further provision for the said extension:

And whereas it is expedient further to amend the said Acts:

Be it therefore enacted, &c.:

1. *Short title and construction.* This Act may be cited as the Foreign Marriage Act, 1891.

This Act shall be construed as one with the Consular Marriage Act, 1849, the Consular Marriage Act, 1863, and the Marriage Act, 1890, and this Act and those Acts may be cited together as the Foreign Marriage Acts, 1849 to 1891, and are in this Act referred to as the Foreign Marriage Acts.

2. *Period of residence for marriage.* The period of residence required for a marriage under the Foreign Marriage Acts shall be three weeks, and accordingly in section two of the Consular Marriage Act, 1849, one week shall be substituted for one calendar month.

3. *Declaration before marriage.* Before any marriage is solemnised under the Foreign Marriage Acts both the parties intending marriage shall appear before the consul, and each of them shall make oath—

(a) that he or she believes that there is not any impediment in kindred or alliance, or other lawful hindrance to the marriage; and

(b) unless the requirements of the Foreign Marriage Acts as to residence have been dispensed with, that both of the parties have for three weeks immediately preceding had their usual places of abode within the district of the consul; and

(c) where either of the parties, not being a widower or widow, is under the age of twenty-one years, that the consent of the person or persons whose consent to the marriage is required by law has been obtained thereto, or, as the case may be, that there is no person having authority to give such consent.

4. *Registration of marriages solemnised under local law.* (1.) Subject to the marriage regulations, a British consular officer, on being satisfied by personal attendance that a marriage between parties being British subjects, or of whom one is a British subject, has been duly solemnised in a foreign country in accordance with the local law of the country, and on payment of the fee required by law, may register the marriage in accordance with the marriage regulations as having been so solemnised, and thereupon the Foreign Marriage Acts shall apply as if the marriage had been registered in pursuance of those Acts, except that nothing in this section shall affect the validity of the marriage so solemnised.

(2.) Section six of the Marriage Act, 1890, is hereby repealed.

5. *Explanation and extension of 53 & 54 Vict. c. 47, s. 9, as respects the making of regulations by Queen in Council.* (1.) The marriage regulations may—

- authorise the officer by or before whom the regulations determine that marriages in the house of a British ambassador or minister, or on board one of Her Majesty's vessels, may be solemnised or registered, to act without any such written authority as is mentioned in the Consular Marriage Act, 1849; and so authorise him whether he is described in the regulations or is named in pursuance thereof;
- authorise the appointment of a person to act under the Foreign Marriage Acts in the place of any such high commissioner or resident as is mentioned in the Marriage Act, 1890;
- prescribe the forms to be used in substitution for or in addition to those in the schedules to the Consular Marriage Act, 1849; and
- make such provision as may seem necessary or proper for carrying into effect the Foreign Marriage Acts, or any marriage regulations.

(2.) The regulations providing for the matters in this section mentioned are included in this Act in the expression "marriage regulations," and the marriage regulations may be made either generally or with reference to any particular case or class of cases.

(3.) Section nine of the Marriage Act, 1890, shall have effect as if in paragraph (d) thereof for the words "by whom" were substituted the words "by or before whom."

6. *Explanations of 12 & 13 Vict. c. 68, s. 19, as to the grant of authority to solemnise marriages.* (1.) The written authority to solemnise and register marriages given by a Secretary of State in pursuance of section nineteen of the Consular Marriage Act, 1849, and any enactment amending that section, may be addressed to a marriage officer as hereinafter defined by the name of his office, without designating the name of any particular person holding the office, and that authority may be executed by the person who for the time being holds or acts in the office described in the authority, and that person shall be a duly authorised consul within the meaning of the Foreign Marriage Acts, and the expression "consul" in those Acts shall, except where such meaning is inconsistent with the context, mean a marriage officer so authorised.

(2.) For the purposes of this Act a marriage officer means any British ambassador, minister, or chargé d'affaires, any British consular officer, and any other officer who, in pursuance of the Foreign Marriage Acts or the marriage regulations, can be authorised to solemnise and register marriages under the said Acts.

(3.) A Secretary of State may, by writing under his hand, vary or revoke any authority previously issued under section nineteen of the Consular Marriage Act, 1849, as amended by this section.

7. Avoidance of objections to marriages on account of want of authority of officer.] (1.) Where a marriage purports to have been solemnised and registered in pursuance of the Foreign Marriage Acts or any of them in the house of a British ambassador or minister, or in a British consulate, or on board any of Her Majesty's vessels, it shall not be necessary in support of the marriage to give any proof of the authority of the marriage officer within the meaning of this Act by or before whom the marriage was solemnised and registered, nor shall any evidence to prove his want of authority, whether by reason of his not being a duly authorised officer or of any prohibitions or restrictions under the marriage regulations or otherwise, be given in any legal proceedings touching the validity of the marriage.

(2.) A certificate of a Secretary of State that any house, office, chapel, or other place is or is part of the house of a British ambassador or minister, or a British consulate, shall be conclusive.

8. Power to refuse solemnisation of marriage where marriage inconsistent with international law.] A marriage officer shall not be required to solemnise a marriage, or to allow a marriage to be solemnised in his presence, if in his opinion the solemnisation thereof would be inconsistent with international law or the comity of nations.

Provided that if any such officer refuses to solemnise or to allow to be solemnised in his presence the marriage of any person requiring the marriage to be solemnised, the person so requiring shall have a right of appeal to the Secretary of State, who shall thereupon either confirm the refusal or direct the solemnisation of the marriage.

9. Abolition of Marriage by licence.] Whereas section seven of the Marriage Act, 1890, abolished the distinction between the preliminaries required for marriages by licence and marriages without licence under the Consular Marriage Act, 1849, and it is accordingly expedient that marriages by licence under that Act be formally abolished; therefore—

A licence for marriage shall not be granted under the Foreign Marriage Acts after the commencement of this Act, and section six of the Consular Marriage Act, 1849, and sub-section two of section seven of the Marriage Act, 1890, are hereby repealed.

10. Explanation as to dispensing with residence and notice under 53 & 54 Vict. c. 47, s. 9.] Any marriage regulations which dispense for any reason, whether residence out of the district or otherwise, with the requirements of the Foreign Marriage Acts as to residence and notice, may require as a condition or consequence of such dispensation, the production of such notice, certificate, or document, and the taking of such oath, and may authorise the publication or grant of such notice, certificate, or document, and the charge of such fees, as may be prescribed by the marriage regulations; and sections fifteen or sixteen of the Consular Marriage Act, 1849, shall apply as if such notice, certificate, or document were a notice, and such oath were an oath within those sections.

11. Meaning of ambassador and consular officer.] In any Act relating to the solemnisation of marriages abroad, expressions referring to a British minister shall be construed to include, and to have always included, a British chargé d'affaires, and in this Act the expression "minister" shall be construed in like manner; and the expression "British consular officer" shall include a pro-consul and an acting consular agent.

12. Confirmation of marriages on board Her Majesty's ships.] All marriages solemnised on board one of Her Majesty's vessels on or before the last day of July one thousand eight hundred and ninety-one, shall be deemed to be as valid as they would have been if the Marriage Act, 1890, had not passed.

CHAPTER 75.

[Factory and Workshop Act, 1891.]

An Act to amend the Law relating to Factories and Workshops. [5th August 1891.]

Whereas it is expedient to amend the Factory and Workshop Act, 1878 [41 Vict. c. 16] (hereinafter referred to as the principal Act):

Be it therefore enacted, &c.:

Sanitary Provisions.

1. Powers of Secretary of State as to sanitary provisions in workshops.]

(1.) If the Secretary of State is satisfied that the provisions of the law relating to public health as to effluvia arising from any drain, privy, or other nuisance, or with respect to cleanliness, ventilation, over-crowding, or limewashing are not observed in any workshops or class of workshops (including workshops conducted on the system of not employing any child, young person, or woman therein) or laundries, he may, if he thinks fit, by order, authorise and direct an inspector or inspectors under the principal Act to take, during such period as may be mentioned in the order, such steps as appear necessary or proper for enforcing the said provisions.

(2.) An inspector authorised in pursuance of this section shall, for the purpose of his duties, have the same powers with respect to workshops and laundries to which this section applies as he has under the principal Act as amended by this Act with respect to factories, and may for the same purpose take the like proceedings for punishing or remedying any default in compliance with the said provisions of the law relating to public health as might be taken by the sanitary authority of the district in which the workshops or laundries are situate, and shall be entitled to recover from that sanitary authority all such expenses in and about any proceedings in respect of such workshops or laundries as he may incur and are not recovered from any other person, and have not been incurred in any unsuccessful proceedings.

2. Powers of factory inspector after notice to sanitary authority.] (1.) Section four of the principal Act shall apply to workshops conducted on the system of not employing any child, young person, or woman therein, and to laundries.

(2.) Where notice of an act, neglect, or default is given by an inspector under the said section four, as amended by this Act, to a sanitary authority, and proceedings are not taken within a reasonable time for punishing or remedying the act, neglect, or default, the inspector may take the like proceedings for punishing or remedying the same as the sanitary authority might have taken, and shall be entitled to recover from the sanitary authority all such expenses in and about the proceedings as the inspector incurs and are not recovered from any other person, and have not been incurred in any unsuccessful proceedings.

3. Enforcement by sanitary authority of sanitary provisions as to workshops.] (1.) Sections three and thirty-three of the Factory and Workshop Act, 1878 [41 & 42 Vict. c. 16] (which relate to cleanliness, ventilation, and overcrowding in, and limewashing of, factories and workshops), shall cease to apply to workshops.

(2.) For the purpose of their duties with respect to workshops (not being workshops to which the Public Health (London) Act, 1891 [54 & 55 Vict. c. 76] applies), a sanitary authority and their officers shall, without prejudice to their other powers, have all such powers of entry, inspection, taking legal proceedings or otherwise, as an inspector under the principal Act.

(3.) If any child, young person, or woman, is employed in a workshop, and the medical officer of the sanitary authority becomes aware thereof, he shall forthwith give written notice thereof to the factory inspector of the district.

4. Cleanliness and limewashing of workshops.] (1.) Every workshop as defined by the principal Act (including any workshop conducted on the system of not employing any child, young person, or woman therein), and every workplace within the meaning of the Public Health Act, 1875 [38 & 39 Vict. c. 55], shall be kept free from effluvia arising from any drain, water closet, earth closet, privy, urinal, or other nuisance, and unless so kept shall be deemed to be a nuisance liable to be dealt with summarily under the law relating to public health.

(2.) Where on the certificate of a medical officer of health or inspector of nuisances it appears to any sanitary authority that the limewashing, cleansing, or purifying of any such workshop, or of any part thereof, is necessary for the health of the persons employed therein, the sanitary authority shall give notice in writing to the owner or occupier of the workshop to limewash, cleanse, or purify the same or part thereof, as the case may require.

(3.) If the person to whom notice is so given fails to comply therewith within the time therein specified, he shall be liable to a fine not exceeding ten shillings

for every day during which he continues to make default, and the sanitary authority may, if they think fit, cause the workshop or part to be limewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person in default.

(4.) This section shall not apply to any workshop or workplace to which the Public Health (London) Act, 1891 [54 & 55 Vict. c. 76], applies.

5. Amendment of 41 & 42 Vict. c. 16, s. 3, as to sanitary provisions.] In section three of the principal Act, for the word "privy," shall be substituted the words "water closet, earth closet, privy, urinal," and for the words "injurious to the health of the persons employed therein" shall be substituted the words "dangerous or injurious to the health of the persons employed therein."

Safety.

6. Amendment of 41 & 42 Vict. c. 16, s. 5, as to fencing of machinery.] (1.) The words "near to which any person is liable to pass or to be employed" in sub-section (1) of section five of the principal Act are hereby repealed.

(2.) In sub-section three of the same section before the words "every part" shall be inserted the words "all dangerous parts of the machinery and."

7. Provision against fire.] (1.) Every factory of which the construction is commenced after the first day of January one thousand eight hundred and ninety-two, and in which more than forty persons are employed, shall be furnished with a certificate from the sanitary authority of the district in which the factory is situate that the factory is provided on the storeys above the ground floor with such means of escape in case of fire for the persons employed therein as can reasonably be required under the circumstances of each case, and a factory not so furnished shall be deemed not to be kept in conformity with the principal Act, and it shall be the duty of the sanitary authority to examine every such factory, and on being satisfied that the factory is so provided to give such a certificate as aforesaid.

(2.) With respect to all factories to which the foregoing provisions of this section do not apply, and in which more than forty persons are employed, it shall be the duty of the sanitary authority of every district, as soon as may be after the passing of this Act, and afterwards from time to time, to ascertain whether all such factories within their district are provided with such means of escape as aforesaid, and, in the case of any factory which is not so provided, to serve on the person being within the meaning of the Public Health Act, 1875 [38 & 39 Vict. c. 75], the owner of the factory a notice in writing specifying the measures necessary for providing such means of escape as aforesaid, and requiring him to carry out the same before a specified date, and thereupon such owner shall, notwithstanding any agreement with the occupier, have power to take such steps as are necessary for complying with the requirements, and, unless such requirements are so complied with, such owner shall be liable to a fine not exceeding one pound for every day that such non-compliance continues. In case of a difference of opinion between the owner of the factory and the sanitary authority, the difference shall, on the application of either party, be referred to arbitration, and thereupon the provisions of the First Schedule to this Act shall have effect, except that the parties to the arbitration shall be the sanitary authority on the one hand and the owner on the other, and the award on the arbitration shall be binding on the parties thereto. If the owner alleges that the occupier of the factory ought to bear or contribute to the expenses of complying with the requirement, he may apply to the county court having jurisdiction where the factory is situate, and thereupon the county court, after hearing the occupier, may make such order as appears to the court just and equitable under all the circumstances of the case.

(3.) All expenses incurred by a sanitary authority in the execution of this section shall be defrayed—

(a) in the case of an authority of an urban district, as part of their expenses of the general execution of the Public Health Act, 1875; and

(b) in the case of an authority of a rural district, as special expenses incurred in the execution of the Public Health Act, 1875; and such expenses shall be charged to the contributory place in which the factory is situate.

(4.) In the application of this section to the administrative county of London, the London County Council shall take the place of the sanitary authority, and their expenses in the execution of this section shall be defrayed as part of their expenses in the management of the Metropolitan Building Act, 1855 [18 & 19 Vict. c. 122], and the Acts amending the same.

Special Rules and Requirements.

8. *Special rules and requirements as to dangerous and unhealthy incidents of employment.* (1.) Where the Secretary of State certifies that in his opinion any machinery or process or particular description of manual labour used in a factory or workshop (other than a domestic workshop) is dangerous or injurious to health or dangerous to life or limb, either generally or in the case of women, children, or any other class of persons, or that the provision for the admission of fresh air is not sufficient, or that the quantity of dust generated or inhaled in any factory or workshop is dangerous or injurious to health, the chief inspector may serve on the occupier of the factory or workshop a notice in writing, either proposing such special rules or requiring the adoption of such special measures as appear to the chief inspector to be reasonably practicable and to meet the necessities of the case.

(2.) Unless within twenty-one days after receipt of the notice the occupier serves on the chief inspector a notice in writing that he objects to the rules or requirement, the rules shall be established, or, as the case may be, the requirement shall be observed.

(3.) If the notice of objection suggests any modification of the rules or requirement, the Secretary of State shall consider the suggestion and may assent thereto with or without any further modification which may be agreed on between the Secretary of State and the occupier, and thereupon the rules shall be established, or, as the case may be, the requirement shall be observed, subject to such modification.

(4.) If the Secretary of State does not assent to any objection or modification suggested as aforesaid by the occupier, the matter in difference between the Secretary of State and the occupier shall be referred to arbitration under this Act, and the date of the receipt of the notice of objection by the Secretary of State shall be deemed to be the date of the reference, and the rules shall be established, or the requisition shall have effect, as settled by an award on arbitration.

(5.) Any notice under this section may be served by post.

(6.) With respect to arbitrations under this Act the provisions in the First Schedule to this Act shall have effect.

(7.) No person shall be precluded by any agreement from doing, or be liable under any agreement to any penalty or forfeiture for doing, such acts as may be necessary in order to comply with the provisions of this section.

9. *Penalty for contravention of special rules or requirement.* (1.) If any person who is bound to observe any special rules established for any factory or workshop under this Act acts in contravention of, or fails to comply with, any such special rule, he shall be liable on summary conviction to a fine not exceeding two pounds; and the occupier of the factory or workshop shall also be liable on summary conviction to a fine not exceeding ten pounds, unless he proves that he had taken all reasonable means, by publishing, and to the best of his power enforcing, the rules to prevent the contravention or noncompliance.

(2.) A factory or workshop in which there is a contravention of any requirement made under this Act shall be deemed not to be kept in conformity with the principal Act.

10. *Amendment of special rules.* (1.) After special rules are established under this Act in any factory or workshop, the Secretary of State may from time to time propose to the occupier of the factory or workshop any amendment of the rules or any new rules; and the provisions of this Act with respect to the original rules shall apply to all such amendments and new rules in like manner, as nearly as may be, as they apply to the original rules.

(2.) The occupier of any factory or workshop in which special rules are established may from time to time propose in writing to the chief inspector, with the approval of the Secretary of State, any amendment of the rules or any new rules, and the

provisions of this Act with respect to a suggestion of an occupier for modifying the special rules proposed by a chief inspector shall apply to all such amendments and new rules in like manner, as nearly as may be, as they apply to such a suggestion.

11. *Publication of special rules.* (1.) Printed copies of all special rules for the time being in force under this Act in any factory or workshop shall be kept posted up in legible characters in conspicuous places in the factory or workshop where they may be conveniently read by the persons employed. In a factory or workshop in Wales or Monmouthshire the rules shall be posted up in the Welsh language also.

(2.) A printed copy of all such rules shall be given by the occupier to any person affected thereby on his or her application.

(3.) If the occupier of any factory or workshop fails to comply with any provision of this section, he shall be liable on summary conviction to a fine not exceeding ten pounds.

(4.) Every person who pulls down, injures, or defaces any special rules when posted up in pursuance of this Act, or any notice posted up in pursuance of the special rules, shall be liable on summary conviction to a fine not exceeding five pounds.

12. *Certified copies of special rules to be evidence.* An inspector shall, when required, certify a copy which is shown to his satisfaction to be a true copy of any special rules for the time being established under this Act for any factory or workshop, and a copy so certified shall be evidence (but not to the exclusion of other proof) of those special rules, and of the fact that they are duly established under this Act.

Period of Employment.

13. *Period of employment for women.* (1.) For subsection (2) of section fifteen of the principal Act the following subsection shall be substituted, namely:—

(2.) In a workshop which is conducted on the system of not employing therein either children or young persons, and the occupier of which has served on an inspector notice of his intention to conduct his workshop on that system—

(a.) The period of employment for a woman shall, except on Saturday, be a specified period of twelve hours taken between six o'clock in the morning and ten o'clock in the evening, and shall on Saturday be a specified period of eight hours, taken between six o'clock in the morning and four o'clock in the afternoon; and

(b.) There shall be allowed to a woman for meals and absence from work during the period of employment, a specified period not less, except on Saturday, than one hour and a half, and on Saturday than half an hour.

14. *Notice as to overtime.* The report required by section sixty-six of the principal Act respecting the employment of a child, young person, or woman in pursuance of an exception relating to employment overtime, must be sent to an inspector not later than eight o'clock in the evening on which the child, young person, or woman is employed in pursuance of the exception.

(2.) Where, under the said section sixty-six, the occupier of a factory or workshop is required to make an entry and report respecting the employment overtime of a child, young person, or woman in the factory or workshop, he shall cause a notice containing the prescribed particulars respecting the employment to be kept affixed in the factory or workshop during the prescribed time, and in default of so doing shall be liable, on summary conviction, to a fine not exceeding five pounds.

15. *Period of employment on Saturday for young persons and women not employed more than eight hours.* For section eighteen of the principal Act the following section shall be substituted, namely,—

In a non-textile factory or workshop where a young person or woman has not been actually employed for more than eight hours on any day in a week, and notice of such non-employment has been affixed in the factory or workshop and served on the inspector, the period of employment on Saturday in that week for that young person or woman may be from six o'clock in the morning to four o'clock in the afternoon, with an interval of not less than two hours for meals.

Holidays.

16. *Amendment of 41 & 42 Vict. c. 16, s. 22, as to holidays.* For subsection (4) of section twenty-two of the principal Act the following subsection shall be substituted, namely:—

(4.) Cessation from work shall not be deemed to be a half holiday or whole holiday, unless a notice of the half holiday or whole holiday has been affixed in the factory or workshop during the first week in January, and a copy thereof has on the same day been forwarded to the Inspector of the district: provided that any such notice may be changed by a subsequent notice affixed and sent in like manner not less than fourteen days before the holiday or half holiday to which it applies.

Conditions of Employment.

17. *Prohibition of employment of women after child-birth.* An occupier of a factory or workshop shall not knowingly allow a woman to be employed therein within four weeks after she has given birth to a child.

18. *Prohibition of employment of children under eleven years of age.* On and after the first day of January one thousand eight hundred and ninety-three no child under the age of eleven years shall be employed in a factory or workshop.

Provided always, that any child lawfully employed under the principal Act, or any Act relating to the employment of children, at the time that the provisions of this section come into operation shall be exempt from its provisions.

19. *Report of certifying Surgeon.* Every certifying surgeon acting under this or the principal Act shall in each year make at the prescribed time a report in the prescribed form to the Secretary of State as to the persons inspected during the year, and the results of the inspection.

20. *Certificate of birth in case of children and young persons under 16.* Where the age of any child or young person under the age of sixteen years is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the elementary education or employment in labour of such child or young person, any person shall, on presenting a written requisition, in such form, and containing such particulars as may be from time to time prescribed by the Local Government Board, and on payment of a fee of sixpence, be entitled to obtain a certified copy under the hand of a registrar or superintendent registrar of the entry in the register, under the Births and Deaths Registration Acts, 1836 to 1874, of the birth of that child or young person; and such form of requisition shall on request be supplied without charge by every superintendent registrar and registrar of births, deaths, and marriages.

21. *Amendment of 41 & 42 Vict. c. 16, s. 61, as to exemption of certain workshops.* There shall be repealed so much of section sixty-one of the principal Act as enacts that the provisions therein mentioned shall not apply to a workshop which is conducted on the system of not employing children or young persons therein, and the occupier of which has served on an inspector notice of his intention to conduct his workshop on that system.

22. *Amendment of 41 & 42 Vict. c. 16, s. 31, as to notice of accidents.* (1.) In section thirty-one of the principal Act for the words "and is of such a nature as to prevent the person injured by it from returning to his work in the factory or workshop within forty-eight hours after the occurrence of the accident" shall be substituted the words "and is of such a nature as to prevent the person injured by it from returning to his work in the factory or workshop and doing five hours work on any day during the next three days after the occurrence of the accident."

(2.) The notice required under that section shall, where the person killed or injured is not removed to his own residence, state both his residence and the place to which he has been removed.

(3.) Where a death has occurred by accident in any factory or workshop, the coroner shall forthwith advise the district inspector under this Act of the time and place of the holding of the inquest any relative of any person whose death may have been caused by the accident with respect to which the inquest is being held, and any inspector under the

principal Act, and the occupier of the factory or workshop in which the accident occurred, and any person appointed by the order in writing of the majority of the workpeople employed in the said factory or workshop shall be at liberty to attend and examine any witness either in person or by his counsel, solicitor, or agent, subject nevertheless to the order of the coroner.

23. Inspectors in Wales and Monmouthshire.] In the appointment of inspectors of factories in Wales and Monmouthshire, among candidates otherwise equally qualified, persons having a knowledge of the Welsh language shall be preferred.

24. Particulars to be supplied in case of payment by piece.] Every person who is engaged as a weaver in the cotton, worsted, or woollen, or linen or jute trade, or as a winder, weaver, or reeler in the cotton trade, and is paid by the piece, in or in connexion with any factory or workshop, shall have supplied to him with his work sufficient particulars to enable him to ascertain the rate of wages at which he is entitled to be paid for the work, and the occupier of the factory or workshop shall supply him with such particulars accordingly.

If the occupier of any factory or workshop fails to supply such particulars then, unless he proves that he has given the best information in his power with respect to such particulars, he shall be liable for each offence to a fine not exceeding ten pounds, and in the case of a second or subsequent conviction for the same offence within two years from the last conviction for that offence not less than one pound.

Provided always, that in the event of anyone who is engaged as an operative in any factory or workshop receiving such particulars, and subsequently disclosing the same with a fraudulent object or for the purpose of gain, whether they be furnished directly to him or to a fellow workman, he shall be liable for each offence to a fine not exceeding ten pounds.

Provided also, that any who shall solicit or procure a person so engaged in any factory to disclose such particulars with the object or purpose aforesaid, or shall pay or reward such person, or shall cause such person to be paid or rewarded, for so disclosing such particulars, shall be guilty of an offence, and shall be liable for each offence to a fine not exceeding ten pounds.

25. Powers of entry.] The powers of entry conferred by section sixty-eight of the principal Act on an inspector under that Act may be exercised without the authority or warrant required in certain cases by section sixty-nine of that Act.

26. Notice of opening workshop.] (1.) Section seventy-five of the principal Act (which requires notice to be given of the occupation of a factory) shall apply to a workshop (including any workshop conducted on the system of not employing any child, young person, or woman therein) in like manner as it applies to a factory.

(2.) Where an inspector receives notice in pursuance of this section with respect to a workshop, he shall forthwith forward the notice to the sanitary authority of the district in which the workshop is situate.

27. Lists of out-workers.] (1.) The occupier of every factory and workshop (including any workshop conducted on the system of not employing any child, young person, or woman therein) and every contractor employed by any such occupier in the business of the factory or workshop shall, if so required by the Secretary of State by an Order made in accordance with section sixty-five of the principal Act, and subject to any exceptions mentioned in the Order, keep in the prescribed form and with the prescribed particulars lists showing the names of all persons directly employed by him, either as workman or as contractor, in the business of the factory or workshop, outside the factory or workshop, and the places where they are employed, and every such list shall be open to inspection by any inspector under the principal Act or by any officer of a sanitary authority.

(2.) In the event of a contravention of this section by the occupier of a factory or workshop, or by a contractor, the occupier or contractor shall be liable to a fine not exceeding forty shillings.

28. Minimum penalties in certain cases.] The fine imposed on a conviction under sections sixty-eight, eighty-one, eighty-two, or eighty-three of the

principal Act, for any offence in relation to a factory, shall, in a case of a second or subsequent conviction for the same offence within two years from the last conviction for that offence, be not less than one pound for each offence.

29. Limitation of time for summary proceedings.] In summary proceedings for offences and fines under the principal Act as amended by any subsequent Act, an information may be laid within three months after the date at which the offence comes to the knowledge of a factory inspector, or in case of an inquest being held in relation to the offence, then within two months after the conclusion of the inquest, so, however, that it shall not be laid after the expiration of six months from the commission of the offence.

30. Amendment of 41 & 42 Vict. c. 16, s. 92.] Section ninety-two of the principal Act shall apply to a workshop in like manner as it applies to a factory.

31. Amendment of 41 & 42 Vict. c. 16, s. 93.] In section ninety-three of the principal Act for the words "a place solely used as a dwelling shall not be deemed to form part of the factory or workshop for the purposes of this Act," shall be substituted the words "a room solely used for the purpose of sleeping therein shall not be deemed to form part of the factory or workshop for the purposes of this Act."

32. Saving for persons employed in process of cleaning fruit.] Nothing in the principal Act as amended by this Act shall apply to the process of cleaning and preparing fruit so far as is necessary to prevent the spoiling of the fruit on its arrival at a factory or workshop during the months of June, July, August, and September.

33. Application to Scotland.] In the application of this Act to Scotland, the following modifications shall be made, namely,—

(1.) The expression "Births and Deaths Registration Acts, 1836 to 1874," shall mean the Acts relating to the registration of births, deaths, and marriages in Scotland:

(2.) The expression "Public Health Act, 1875," where it occurs in section seven of this Act shall mean the Public Health (Scotland) Act [30 & 31 Vict. s. 101] and the Acts amending the same:

(3.) The Board of Supervision shall be substituted for the Local Government Board:

(4.) In lieu of Christmas Day, and either Good Friday or the next public holiday under the Holidays Extension Act, 1875 [38 & 39 Vict. c. 13], there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop within a burgh or police burgh, the two days in each year set apart by the Church of Scotland for the observance of the sacramental fast in the parish in which the factory or workshop is situate, and in such burghs or police burghs where such fast days have been abolished or discontinued there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop in such burghs or police burghs such two whole days in each year, separated by an interval of not less than three months as shall be fixed by the magistrates or police commissioners in such burghs or police burghs, and such magistrates or police commissioners, as the case may be, are hereby required to fix, and from time to time, if it shall seem expedient to them to do so, to alter such holidays, and give public notice thereof fourteen days before the date at any time fixed.

(5.) Where a death has occurred by accident in any factory or workshop a public inquiry in open court shall be held by the sheriff, upon the petition of any party interested, and the sheriff shall forthwith advise the district inspector under this Act of the time and place of the holding of the inquiry, and at such inquiry any relative of any person whose death has been caused by the accident with respect to which the inquiry is being held, and the occupier or manager of the factory or workshop in which the accident occurred, and any person appointed by the

order in writing of the majority of the workpeople employed in the said factory or workshop, shall be at liberty to attend and examine any witness, either in person, or by his counsel, solicitor, or agent subject nevertheless to the order of the sheriff.

34. Amendment of 41 Vict. c. 16, s. 106, as to holidays in Ireland.] For subsection (2) of section one hundred and six of the principal Act, the following subsection shall be substituted:—

(2.) In lieu of any two half-holidays allowed under the provisions of subsection (2) of section twenty-two of this Act, there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop the whole of the seventeenth day of March when that day does not fall on a Sunday, or at the option of the occupier of the factory or workshop, either Good Friday (unless that day is otherwise fixed as a holiday) or Easter Tuesday.

35. Amendment of 41 & 42 Vict. c. 16, s. 104.] The fee to be charged in pursuance of section one hundred and four of the principal Act shall not exceed sixpence, and that section shall apply in the case of a young person under the age of sixteen years in like manner as it applies in the case of a child.

36. Amendment of 46 & 47 Vict. c. 53, s. 18.] The expression "retail bakehouse" in the Factory and Workshops Act, 1893, shall not include any place which is a factory within the meaning of the principle Act.

37. Definitions of "machinery" and "domestic workshop."] (1.) For the purposes of the principal Act and this Act the expression "machinery" shall include any driving strap or band, and the expression "process" shall include the use of any locomotive.

(2.) In this Act the expression "domestic workshop" means a workshop to which section sixteen of the principal Act applies.

38. Amendment of 41 & 42 Vict. c. 16, Sch. IV.] There shall be added in line three, subsection (3), of the Fourth Schedule of the principal Act, after "earthenware," the words "or china."

Provided that any special rules or requirements made under any enactment repealed by this Act shall continue to have effect as if made under this Act, and the provisions of this Act shall apply thereto accordingly.

39. Repeal.] The enactments specified in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

40. Commencement of Act.] This Act shall, except where it is otherwise expressed, come into operation on the first day of January one thousand eight hundred and ninety-two.

41. Short title and construction.] (1.) This Act may be cited as the Factory and Workshop Act, 1891, and shall be construed as one with the Factory and Workshop Act, 1878 [41 & 42 Vict. c. 16].

(2.) The Factory and Workshop Act, 1878, the Factory and Workshop Act, 1883 [46 & 47 Vict. c. 53], and the Cotton Cloth Factories Act, 1889 [52 & 53 Vict. c. 62], may, together with this Act, be cited collectively as the Factory and Workshops Acts, 1878 to 1891.

SCHEDULES.

FIRST SCHEDULE [Sections 7, 8].

1. The parties to the arbitration are in this schedule deemed to be the occupiers of the factory or workshop on the one hand and the chief inspector, on behalf of the Secretary of State, on the other.

2. Each of the parties to the arbitration may, within fourteen days after the date of the reference, appoint an arbitrator.

3. No person shall act as arbitrator or umpire under this Act who is employed in, or in the management of, or is interested in, the factory or workshop to which the arbitration relates.

4. The appointment of an arbitrator under this section shall be in writing, and notice of the appointment shall be forthwith sent to the other party to

the arbitration, and shall not be revoked without the consent of that party.

5. The death or removal of, or other change in, any of the parties to the arbitration shall not affect the proceedings under this schedule.

6. If within the said fourteen days either of the parties fails to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

7. If before an award has been any arbitrator appointed by either party dies or becomes incapable to act, or for seven days refuses or neglects to act, the party by whom that arbitrator was appointed may appoint some other person to act in his place; and if he fails to do so within seven days after notice in writing from the other party for that purpose, the remaining arbitrator may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

8. In either of the foregoing cases where an arbitrator is empowered to act singly, on one of the parties failing to appoint, the party so failing may, before the single arbitrator has actually proceeded in the arbitration, appoint an arbitrator, who shall then act as if no failure had occurred.

9. If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as may have been appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as hereinafter mentioned.

10. The arbitrators, before they enter on the matter referred to them, shall appoint by writing under their hands an umpire to decide on points on which they may differ.

11. If the umpire dies or becomes incapable of acting before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the persons or person who appointed such umpire shall forthwith appoint another umpire in his place.

12. If the arbitrators refuse or fail, or for seven days after the request of either party neglect, to appoint an umpire, then on the application of either party an umpire may be appointed by the chairman of the quarter sessions within the jurisdiction of which the factory or workshop is situate.

13. The decision of every umpire on the matters referred to him shall be final.

14. If a single arbitrator fails to make his award within twenty-one days after the day on which he

was appointed, the party who appointed him may appoint another arbitrator to act in his place.

15. Arrangements shall, whenever practicable, be made for the matters in difference being heard at the same time before the arbitrators and the umpire.

16. The arbitrators and the umpire, or any of them, may examine the parties and their witnesses on oath, and may also consult any counsel, engineer, or scientific person whom they may think it expedient to consult.

17. The payment, if any, to be made to any arbitrator or umpire for his services shall be fixed by the Secretary of State and together with the costs of the arbitration and award shall be paid by the parties, or one of them, according as the award may direct. Such costs may be taxed by a master of the Supreme Court, or, in Scotland, by the auditor of the Court of Session, and the taxing officer shall, on the written application of either of the parties, ascertain and certify the proper amount thereof. The amount, if any, payable by the Secretary of State shall be paid as part of the expenses of inspectors under the principal Act. The amount, if any, payable by the occupier of the factory or workshop may in the event of nonpayment be recovered in the same manner as fines under the principal Act.

SECOND SCHEDULE.

ENACTMENTS REPEALED. [Section 39.]

Session and Chapter.	Title or Short Title.	Extent of Repeal.
41 & 42 Vict. c. 16 -	The Factory and Workshop Act, 1878 -	In section three, the words "and a workshop" and "or workshop" wherever they occur. In section five, sub-section (1), the words "near to which any person is liable to pass or to be employed." Sections six, seven, and eight. Section fifteen, from "and" at the end of sub-section (1) to the end of the section. In section twenty-two, sub-section (4). In section thirty-one the words "and is of such a nature as to prevent the person injured by it from returning to his work in the factory or workshop within forty-eight hours after the occurrence of the accident." In section thirty-three the words "and workshop," "or workshop," and "or workshops," wherever they respectively occur. Section sixty-one, from "or" at the end of the paragraph marked (a) to the words "workshop on that system" Section sixty-nine. Section ninety-one, from "(1.) The information shall be laid" to "commission of the offence." In section one hundred and one, the words "or workshop." Sections seven to twelve and sub-sections (2) and (3) of section seventeen. The whole Act.
46 & 47 Vict. c. 53 -	The Factory and Workshop Act, 1883 -	
51 & 52 Vict. c. 22 -	The Factory and Workshop Amendment (Scotland) Act, 1888.	
52 & 53 Vict. c. 62 -	The Cotton Cloth Factories Act, 1889 -	Section twelve.

CHAPTER 76.

[Public Health (London) Act, 1891.]

An Act to consolidate and amend the Laws relating to Public Health in London.

[5th August, 1891.]

Be it enacted, &c. :

1. Sanitary authority to inspect district for detection of nuisances.] It shall be the duty of every sanitary authority to cause to be made from time to time inspection of their district, with a view to ascertain what nuisances exist calling for abatement under the powers of this Act, and to enforce the provisions of this Act for the purpose of abating the same, and otherwise to put in force the powers vested in them relating to public health and local government, so as to secure the proper sanitary condition of all premises within their district.

Nuisances (General).

2. What nuisances may be abated summarily.] (1.) For the purposes of this Act,

- (a.) any premises in such a state as to be a nuisance or injurious or dangerous to health;
- (b.) any pool, ditch, gutter, watercourse, cistern, watercloset, earth closet, privy, urinal, cess-pool, drain, dung-pit, or ash-pit so foul or in such a state as to be a nuisance or injurious or dangerous to health;
- (c.) any animal kept in such place or manner as to be a nuisance or injurious or dangerous to health;

- (d.) any accumulation or deposit which is a nuisance or injurious or dangerous to health;
- (e.) any house or part of a house so overcrowded as to be injurious or dangerous to the health of the inmates, whether or not members of the same family;
- (f.) Any such absence from premises of water fittings as is a nuisance by virtue of section thirty-three of the Metropolis Water Act, 1871 [34 & 35 Vict. c. 113], set out in the First Schedule to this Act; and
- (g.) Any factory, workshop, or workplace which is not a factory subject to the provisions of the Factory and Workshop Act, 1878 [41 & 42 Vict. c. 16], relating to cleanliness, ventilation, and overcrowding, and
- (i.) is not kept in a cleanly state and free from effluvia arising from any drain, privy, earth closet, watercloset, urinal, or other nuisance, or
- (ii.) is not ventilated in such a manner as to render harmless as far as practicable any gases, vapours, dust, or other impurities generated in the course of the work carried on therein that are a nuisance or injurious or dangerous to health, or
- (iii.) is so overcrowded while work is carried on as to be injurious or dangerous to the health of those employed therein

shall be nuisances liable to be dealt with summarily under this Act.

(2.) Provided that—

- (i.) Any accumulation or deposit necessary for the effectual carrying on of any business or manufacture shall not be punishable as a nuisance under this section, if it is proved to the satisfaction of the court that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business or manufacture, and that the best available means have been taken for preventing injury thereby to the public health; and

- (ii.) In considering whether any dwelling-house or part of a dwelling-house which is used also as a factory, workshop, or workplace, or whether any factory, workshop, or workplace used also as a dwelling-house, is a nuisance by reason of over-crowding, the court shall have regard to the circumstance of such other user.

3. Information of nuisances to sanitary authority.] Information of a nuisance liable to be dealt with summarily under this Act in the district of a sanitary authority may be given to that authority by any person, and it shall be the duty of every officer of that authority and of every relieving officer, in accordance with the regulations of the authority having control over him, to give that information; and it shall be the duty of the said authority to make the said regulations, and also the duty of the sanitary authority to give such directions to their officers as will secure the existence of the nuisance

being immediately brought to the notice of any person who may be required to abate it, and the officer shall do so by serving a written intimation.

4. Notice requiring abatement of nuisance.] (1.) On the receipt of any information respecting the existence of a nuisance liable to be dealt with summarily under this Act the sanitary authority shall, if satisfied of the existence of a nuisance, serve a notice on the person by whose act, default, or sufferance the nuisance arises or continues, or, if such person cannot be found, on the occupier or owner of the premises on which the nuisance arises, requiring him to abate the same within the time specified in the notice, and to execute such works and do such things as may be necessary for that purpose, and, if the sanitary authority think it desirable (but not otherwise) specifying any works to be executed.

(2.) The sanitary authority may also by the same or another notice served on such occupier, owner, or person require him to do what is necessary for preventing the recurrence of the nuisance, and, if they think it desirable, specify any works to be executed for that purpose, and may serve that notice notwithstanding that the nuisance may for the time have been abated, if the sanitary authority consider that it is likely to recur on the same premises.

(3.) Provided that—

(a.) where the nuisance arises from any want or defect of a structural character, or where the premises are unoccupied, the notice shall be served on the owner;

(b.) where the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise or continue by the act, default, or sufferance of the occupier or owner of the premises, the sanitary authority may themselves abate the same and may do what is necessary to prevent the recurrence thereof;

(c.) where the medical officer of health certifies to the sanitary authority that any house or part of a house in their district is so overcrowded as to be injurious or dangerous to the health of the inmates, whether or not members of the same family, the sanitary authority shall take proceedings under this section for the abatement of such nuisance;

(d.) where the nuisance is such absence of water-fittings as is declared a nuisance by section thirty-three of the Metropolis Water Act, 1871 [34 & 35 Vict. c. 113] (set out in the First Schedule to this Act), such absence shall be deemed to render the premises unfit for human habitation unless and until the contrary is shown to the satisfaction of the court.

(4.) Where a notice has been served on a person under this section, and either—

(a.) the nuisance arose from the wilful act or default of the said person; or

(b.) such person makes default in complying with any of the requisitions of the notice within the time specified, he shall be liable to a fine not exceeding ten pounds for each offence, whether any such nuisance order as in this Act mentioned is or is not made upon him.

5. On non-compliance with notice, order to be made.]

(1.) If either—

(a.) the person on whom a notice to abate a nuisance has been served as aforesaid makes default in complying with any of the requisitions thereof within the time specified; or

(b.) the nuisance, although abated since the service of the notice, is, in the opinion of the sanitary authority, likely to recur on the same premises, the sanitary authority shall make a complaint, and the petty sessional court hearing the complaint may make on such person a summary order (in this Act referred to as a nuisance order).

(2.) A nuisance order may be an abatement order, a prohibition order, or a closing order, or a combination of such orders.

(3.) An abatement order may require a person to comply with all or any of the requisitions of the notice, or otherwise to abate the nuisance within a time specified in the order.

(4.) A prohibition order may prohibit the recurrence of a nuisance.

(5.) An abatement order or prohibition order shall, if the person on whom the order is made so requires, or the court considers it desirable, specify the works to be executed by such person for the purpose of abating or preventing the recurrence of the nuisance.

(6.) A closing order may prohibit a dwelling-house from being used for human habitation.

(7.) A closing order shall only be made where it is proved to the satisfaction of the court that by reason of a nuisance a dwelling-house is unfit for human habitation, and if such proof is given the court shall make a closing order, and may impose a fine not exceeding twenty pounds.

(8.) A petty sessional court, when satisfied that the dwelling-house has been rendered fit for human habitation, may declare that it is so satisfied and cancel the closing order.

(9.) If a person fails to comply with the provisions of a nuisance order with respect to the abatement of a nuisance, he shall, unless he satisfies the court that he has used all due diligence to carry out such order, be liable to a fine not exceeding twenty shillings a day during his default; and if a person knowingly and wilfully acts contrary to a prohibition or closing order he shall be liable to a fine not exceeding forty shillings a day during such contrary action; moreover the sanitary authority may enter the premises to which a nuisance order relates, and abate or remove the nuisance, and do whatever may be necessary in execution of such order.

6. Provision as to appeal against order.] (1.) Where a person appeals to the court of quarter sessions against a nuisance order, no liability to a fine shall arise, nor, save as in this section mentioned, shall any proceedings be taken or work done under such order until after the determination or abandonment of such appeal.

(2.) There shall be no appeal to quarter sessions against a nuisance order, unless it is or includes a prohibition or closing order, or requires the execution of structural works.

(3.) Where a nuisance order is made and a person does not comply with it and appeals against it to the court of quarter sessions, and such appeal is dismissed or is abandoned, the appellant shall be liable to a fine not exceeding twenty shillings a day during the non-compliance with the order, unless he satisfies the court before whom proceedings are taken for imposing a fine that there was substantial ground for the appeal, and that the appeal was not brought merely for the purpose of delay, and where the appeal is heard by the court of quarter sessions, that court may, on dismissing the appeal, impose the fine as if the court were a petty sessional court.

(4.) Where a nuisance order is made on any person and appealed against, and the court which made the order is of opinion that the continuance of the nuisance will be injurious or dangerous to health, and that the immediate abatement thereof will not cause any injury which cannot be compensated by damages, the court may authorise the sanitary authority immediately to abate the nuisance; but the sanitary authority, if they do so, and the appeal is successful, shall pay the cost of such abatement and the damages (if any) sustained by the said person by reason of such abatement; but, if the appeal is dismissed or abandoned, the sanitary authority may recover the cost of the abatement in a summary manner from the said person.

7. Provision in case of two convictions for overcrowding.] Where two convictions for offences relating to the overcrowding of a house or part of a house in any district have taken place within a period of three months (whether the persons convicted were or were not the same), a petty sessional court may, on the application of the sanitary authority, order the house to be closed for such period as the court may deem necessary.

8. In certain cases order may be addressed to sanitary authority.] Whenever it appears to the satisfaction of the petty sessional court that the person by whose act, default, or sufferance, a nuisance liable to be dealt with summarily under this Act arises or the owner or occupier of the premises is not known or cannot be found, then the nuisance order may be addressed to, and if so addressed shall be executed by, the sanitary authority.

9. Power to sell manure, &c.] Any matter or thing removed by the sanitary authority in abating, or doing what is necessary to prevent the recurrence of, a nuisance liable to be dealt with summarily under this Act may be sold by public auction or, if the authority think the circumstances of the case require it, may be sold otherwise, or be disposed of without sale; and the money arising from the sale

may be retained by the sanitary authority, and applied in payment of the expenses incurred by them with reference to such nuisance, and the surplus (if any) shall be paid, on demand, to the owner of such matter or thing.

10. Power of entry.] The sanitary authority shall have a right to enter from time to time any premises

(a.) for the purpose of examining as to the existence thereof of any nuisance liable to be dealt with summarily under this Act, at any hour by day, or in the case of a nuisance arising in respect of any business, then at any hour when that business is in progress or is usually carried on, and

(b.) where under this Act a nuisance has been ascertained to exist, or a nuisance order has been made, then at any such hour as aforesaid, until the nuisance is abated, or the works ordered to be done are completed, or the closing order is cancelled, as the case may be, and

(c.) where a nuisance order has not been complied with, or has been infringed, at all reasonable hours, including all hours during which business therein is in progress or is usually carried on, for the purpose of executing the order.

11. Costs of execution of provisions relating to nuisances.] (1.) All reasonable costs and expenses incurred in serving notice, making a complaint, or obtaining a nuisance order, or in carrying the order into effect, shall be deemed to be money paid for the use and at the request of the person on whom the order is made; or if the order is made on the sanitary authority, or, if no order is made, but the nuisance is proved to have existed when the notice was served or the complaint made, then of the person by whose act, default, or sufferance, the nuisance was caused; and in case of nuisances caused by the act or default of the owner of premises, such costs and expenses may be recovered from any person who is for the time being owner of such premises.

(2.) Such costs and expenses, and any fines incurred in relation to any such nuisance, may be recovered in a summary manner, or in the county court or High Court, and the court shall have power to divide costs, expenses, and fines between persons by whose acts, defaults, or sufferance a nuisance is caused, as to it may seem just.

12. Power of individual to complain to justice of nuisance.] (1.) Complaint of the existence of a nuisance liable to be dealt with summarily under this Act on any premises within the district of any sanitary authority may be made by any person, and thereupon the like proceedings shall be had with the like incidents and consequences as to making of orders, fines for disobedience of orders, appeal, and otherwise, as in the case of a like complaint by the sanitary authority.

(2.) Provided that the court may, if it thinks fit,—

(a.) adjourn the hearing or further hearing of the complaint for the purpose of having an examination of the premises where the nuisance is alleged to exist, and may authorise the entry into such premises of any constable or other person for that purpose; and

(b.) authorise any constable or other person to do all necessary acts for executing an order made on a complaint under this section, and to recover the expenses from the person on whom the order is made in a summary manner.

(3.) Any constable or other person authorised under this section shall have the like powers, and be subject to the like restrictions as if he were an officer of the sanitary authority authorised under the foregoing provisions of this Act to enter any premises and do any acts thereon.

13. Proceedings in High Court for abatement of nuisances.] The sanitary authority may, if in their opinion summary proceedings would afford an inadequate remedy, cause any proceedings to be taken against any person in the High Court to enforce the abatement or prohibition of any nuisance liable to be dealt with summarily under this Act, or for the recovery of any fines from, or for the punishment of any persons offending against the provisions of this Act relating to such nuisances, and may pay as expenses of the execution of this Act their expenses of and incident to all such proceedings.

14. Power to proceed where cause of nuisance arises without district.] (1.) Where a nuisance liable to be dealt with summarily under this Act appears to be wholly or partially caused by some act, default, or nuisance committed or taking place without the district the inhabitants of which are affected by the nuisance, the sanitary authority for that district may take or cause to be taken against any person in respect of such act, default, or nuisance any proceedings in relation to nuisances by this Act authorised, with the same incidents and consequences, as if such act, default, or nuisance were committed or took place wholly within their district; so, however, that summary proceedings shall in no case be taken otherwise than before a court having jurisdiction in the district where the act, default, or nuisance is alleged to be committed or take place.

(2.) Section one hundred and eight of the Public Health Act, 1875 [38 & 39 Vict. c. 55], set out in the First Schedule to this Act, shall continue to extend to London, with the substitution of a sanitary authority under this Act for any nuisance authority mentioned in the said section, and any reference in that section to a nuisance in the metropolis shall include a nuisance within the meaning of this Act.

15. Penalty for injuring closet, &c., so as to cause a nuisance.] If a person causes any drain, water-closet, earth closet, privy, or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same, or any water-supply, apparatus, pipe, or work connected therewith, or by otherwise wilfully stopping up, or wilfully interfering with, or improperly using the same, or any such water-supply, apparatus, pipe, or work, he shall be liable to a fine not exceeding five pounds.

Penalties in respect of particular Nuisances.

16. Byelaws by sanitary authority and county council as to cleansing streets and prevention of nuisances.]

- (1.) Every sanitary authority shall make byelaws—
 - (a.) for the prevention of nuisances arising from any snow, ice, salt, dust, ashes, rubbish, offal, carrion, fish, or filth, or other matter or thing in any street; and
 - (b.) for preventing nuisances arising from any offensive matter running out of any manufactory, brewery, slaughter-house, knacker's yard, butcher's or fishmonger's shop, or dung-hill, into any uncovered place, whether or not surrounded by a wall or fence; and
 - (c.) for the prevention of the keeping of animals on any premises in such place or manner as to be a nuisance or injurious or dangerous to health; and
 - (d.) as to the paving of yards and open spaces in connection with dwelling-houses.
- (2.) The county council shall make byelaws—
 - (a.) for prescribing the times for the removal or carriage by road of water of any focal or offensive or noxious matter or liquid in or through London, and providing that the carriage or vessel used therefor shall be properly constructed and covered so as to prevent the escape of any such matter or liquid, and as to prevent any nuisance arising therefrom; and
 - (b.) as to the closing and filling up of cesspools and privies, and as to the removal and disposal of refuse, and as to the duties of the occupier of any premises in connection with house refuse, so as to facilitate the removal of it by the scavengers of the sanitary authority.
- (3.) It shall be the duty of every sanitary authority to observe and enforce any byelaws made under this section.

(4.) Except as otherwise provided by the byelaws a constable may arrest without warrant and take before a justice any person whom he finds committing an offence against such byelaws and who refuses to give his true name and address.

(5.) Provided that the byelaws shall not make it an offence to lay sand or other material in any street in time of frost to prevent accidents, or litter or other matter to prevent the freezing of water in pipes, or in case of sickness to prevent noise, if the same is laid, and when the occasion ceases duly removed, in accordance with the byelaws.

17. Penalty for keeping swine in unfit place.] (1.) A person shall not—

- (a.) feed or keep any swine in any locality, premises, or place which is unfit for the keeping of

swine, or in which the feeding or keeping of swine may create a nuisance or be injurious to health, or

- (b.) permit any swine to stray or go about in any street or public place.

(2.) If any person acts in contravention of this section he shall be liable to a fine not exceeding forty shillings, and to forfeit the swine, and to a further fine not exceeding ten shillings for every day during which he continues such offence after notice from the sanitary authority to discontinue the same.

(3.) Any swine found straying or going about in any street or public place may be seized and removed by any constable.

(4.) Any premises within forty yards of any street or public place shall be deemed for the purposes of this section to be a place unfit for keeping swine.

18. Power to prohibit keeping of animals in unfit place.] Where it is proved to the satisfaction of a petty sessional court that any locality, premises, or place are or is unfit for the keeping of any animal, the court may by summary order prohibit the using thereof for that purpose for the future.

Offensive Trades.

19. Prohibition and regulation of establishing anew certain offensive businesses, and byelaws as to offensive businesses.] (1.) If any person—

- (a.) establishes anew the following businesses, or any of them; that is to say, the business of blood boiler, bone boiler, manure manufacturer, soap boiler, tallow melter, or knacker; or

(b.) establishes anew, without the sanction of the county council, the following businesses, or any of them; that is to say, the business of fellmonger, tripe boiler, slaughterer of cattle or horses, or any other business which the county council may declare by order confirmed by the Local Government Board and published in the London Gazette to be an offensive business,

he shall be liable to a fine not exceeding fifty pounds in respect of the establishment thereof, and any person carrying on the same when established shall be liable to a fine not exceeding fifty pounds for every day during which he so carries on the same:

(2.) Provided that this enactment shall not render any person liable to a fine for establishing anew with the sanction of the county council, or carrying on, the business of soap boiler, if and as long as that business is a business in which tallow or any animal fat or oil other than olein is not used by admixture with alkali for the production of soap.

(3.) The county council shall give their sanction by order, but, at least fourteen days before making any such order, shall make public the application for it, by serving on the sanitary authority within whose district the premises on which the business is proposed to be established are situate, and by advertising, notice of the application and of the time and place at which they will be willing to hear all persons objecting to the order, and by causing a copy of the notice to be affixed in a conspicuous part of the said premises; and they shall consider any objections made at that time and place, and shall grant or withhold their sanction as they think expedient.

(4.) The county council may make byelaws for regulating the conduct of any businesses specified in this section, which are for the time being lawfully carried on in London, and the structure of the premises on which any such business is being carried on, and the mode in which the said application is to be made.

(5.) Any such byelaw may empower a petty sessional court by summary order to deprive any person, either temporarily or permanently, of the right of carrying on any business to which such byelaw relates, as a punishment for breaking the same, and any person disobeying such order shall be liable to a fine not exceeding fifty pounds for every day during which such disobedience continues.

(6.) Any sanitary authority or person aggrieved by any proposed byelaw under this section, or by any proposed alteration or repeal of a byelaw, may forward notice of his objection to the Local Government Board, who shall consider the same.

(7.) There shall be charged for an order of the county council under this section, and carried to the county fund, such fee not exceeding forty shillings as the county council may fix.

(8.) For the purposes of this section a business shall be deemed to be established anew not only if it is established newly, but also if it is removed from any one set of premises to any other premises, or if it is renewed on the same set of premises after having been discontinued for a period of nine months or upwards, or if any premises on which it is for the time being carried on are enlarged without the sanction of the county council; but a business shall not be deemed to be established anew on any premises by reason only that the ownership of such premises is wholly or partially changed, or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

(9.) Nothing in this section shall render an order of the county council necessary to authorise the slaughter of cattle at the Metropolitan Cattle Market, or at the cattle market at Deptford, or shall authorise the making of byelaws affecting either of those markets or the slaughter-houses erected thereat either before or after the commencement of this Act.

(10.) In the application of this section to the City of London, the commissioners of sewers shall be substituted for the county council, and the consolidated rate for the county fund.

20. Licensing of cow-houses and slaughter-houses.]

(1.) A person carrying on the business of a slaughterer of cattle or horses, knacker, or dairyman, shall not use any premises in London (outside the City of London) as a slaughter-house or knacker's yard, or a cow-house or place for the keeping of cows, without a licence from the county council, and if he does he shall for each offence be liable to a fine not exceeding five pounds, and the fact that cattle have been taken into unlicensed premises shall be prima facie evidence that an offence under this section has been committed.

(2.) A licence under this section shall expire on such day in every year as the county council fix, and when a licence is first granted shall expire on the day so fixed which secondly occurs after the grant of the licence, and a fee not exceeding five shillings to be carried to the county fund may be charged for the licence.

(3.) Not less than fourteen days before a licence for any premises is granted or renewed under this section, notice of the intention to apply for it shall be served on the sanitary authority of the district in which the premises are situate, and that sanitary authority, if they think fit, may show cause against the grant or renewal of the licence.

(4.) An objection shall not be entertained to the renewal of a licence under this section, unless seven days previous notice of the objection has been served on the applicant, save that, on an objection being made of which notice has not been given, the county council may, if they think it just so to do, direct notice thereof to be served on the applicant, and adjourn the question of the renewal to a future day, and require the attendance of the applicant on that day, and then hear the case, and consider the objection, as if the said notice had been duly given.

(5.) Where a committee of the county council determine to refuse, or to recommend the council to refuse, the renewal of any licence under this section, the county council shall, on written application made within seven days after such determination is made known to the applicant, hear the applicant against such refusal.

(6.) For the purposes of this section a licence shall be deemed to be renewed where a further licence is granted in immediate succession to a prior licence for the same premises.

(7.) The sanitary authority shall have a right to enter any slaughter-house or knacker's yard at any hour by day or at any hour when business is in progress or is usually carried on therein, for the purpose of examining whether there is any contravention therein of this Act or of any byelaw made thereunder.

(8.) Nothing in this section shall extend to slaughter-houses erected before or after the commencement of this Act in the Metropolitan Cattle Market under the authority of the Metropolitan Market Act, 1851, or the Metropolitan Market Act, 1857.

21. Duty of sanitary authority to complain to justice of nuisance arising from offensive trade.] (1.) Where any manufactory, building, or premises used for any trade, business, process, or manufacture, causing

effluvia, is certified to the sanitary authority by their medical officer of health, or by any two legally qualified medical practitioners, or by any ten inhabitants of the district of such authority, to be a nuisance or injurious or dangerous to the health of any of the inhabitants of the district, such authority shall make a complaint, and if it appears to the petty sessional court hearing the complaint that the trade, business, process, or manufacture carried on by the person complained of is a nuisance, or causes any effluvia which is a nuisance or injurious or dangerous to the health of any of the inhabitants of the district, then, unless it is shown that such person has used the best practicable means for abating the nuisance, or preventing or counteracting the effluvia, the person so offending (being the owner or occupier of the premises, or being a foreman or other person employed by such owner or occupier) shall be liable to a fine not exceeding fifty pounds.

(2.) Provided that the court may suspend its final determination on condition that the person complained of undertakes to adopt, within a reasonable time, such means as the court may deem practicable, and order to be carried into effect, for abating the nuisance, or mitigating or preventing the injurious effects of the effluvia.

(3.) The sanitary authority may, if they think fit, on such certificate as is in this section mentioned, caused to be taken any proceedings in the High Court against any person in respect of the matters alleged in such certificate.

(4.) The sanitary authority may take proceedings under this section in respect of a manufactory, building, or premises situate without their district, so, however, that the summary proceedings shall be had before a court having jurisdiction in the district where the manufactory, building, or premises are situate.

(5.) Section one hundred and fifteen of the Public Health Act, 1875 [38 & 39 Vict. c. 55] (set out in the First Schedule to this Act), shall continue to extend to London, with the substitution of a sanitary authority under this Act for a nuisance authority mentioned in the said section, and any reference in that section to a nuisance in the metropolis or to any building, manufactory, or place in the metropolis which is injurious to health, shall include any nuisance within the meaning of this Act, and any manufactory, building, or place which is dangerous to health.

22. Provision as to nuisance created by sanitary authority in dealing with refuse. (1.) The removal of house refuse and street refuse by a sanitary authority when collected or deposited by that authority shall be deemed to be a business carried on by that authority within the meaning of the last preceding section, and a complaint or proceedings under that section in relation to any such business may be made or taken by the county council in like manner as if the council were a sanitary authority.

(2.) Any premises used by a sanitary authority for the treatment or disposal of any street refuse or house refuse, as distinct from the removal thereof, which are a nuisance or injurious or dangerous to health, shall be a nuisance liable to be dealt with summarily under this Act, and for the purpose of the application thereto of the provisions of this Act relating to such nuisances the county council shall be deemed to be a sanitary authority.

Smoke Consumption.

23. Furnaces and steam vessels to consume their own smoke. (1.) Every furnace employed in the working of engines by steam, and every furnace employed in any public bath or washhouse, or in any mill, factory, printing house, dyehouse, iron foundry, glasshouse, distillery, brewhouse, sugar refinery, bakehouse, gasworks, waterworks, or other buildings used for the purpose of trade or manufacture (although a steam engine be not used or employed therein), shall be constructed so as to consume or burn the smoke arising from such furnace.

(2.) If any person being the owner or occupier of the premises, or being a foreman or other person employed by such owner or occupier—

- (a) uses any such furnace which is not constructed so as to consume or burn the smoke arising therefrom; or
- (b) so negligently uses any such furnace as that the smoke arising therefrom is not effectually consumed or burnt; or
- (c) carries on any trade or business which occasions

any noxious or offensive effluvia, or otherwise annoys the neighbourhood or inhabitants, without using the best practicable means for preventing or counteracting such effluvia or other annoyance;

such person shall be liable to a fine not exceeding five pounds, and on a second conviction to a fine of ten pounds, and on each subsequent conviction to a fine double the amount of the fine imposed on the last preceding conviction.

(3.) Every steam engine and furnace used in the working of any steam vessel on the River Thames, either above London Bridge, or plying to and fro between London Bridge and any place on the River Thames westward of the Nore light, shall be constructed so as to consume or burn the smoke arising from such engine and furnace; and if any such steam engine or furnace is not so constructed, or being so constructed is wilfully or negligently used so that the smoke arising therefrom is not effectually consumed or burnt, the owner or master of such vessel shall be liable to a fine not exceeding five pounds, and on a second conviction to a fine of ten pounds, and on every subsequent conviction to a fine of double the amount of the fine imposed on the last preceding conviction.

(4.) Provided that in this section the words "consume or burn the smoke" shall not be held in all cases to mean "consume or burn all the smoke," and the court hearing an information against a person may remit the fine if of opinion that such person has so constructed his furnace as to consume or burn, as far as possible, all the smoke arising from such furnace, and has carefully attended to the same, and consumed or burned, as far as possible, the smoke arising from such furnace.

(5.) It shall be the duty of every sanitary authority to enforce the provisions of this section, and an information shall not be laid for the recovery of any fine under this section except under the direction of a sanitary authority.

(6.) The provisions of this Act with respect to the admission of the sanitary authority into any premises for any purposes in relation to nuisances, and with respect to the giving of information of a nuisance, shall apply in like manner as if they were herein re-enacted, and in terms made applicable to this section.

(7.) This section shall extend to the port of London, and as respects the port shall be enforced by the port sanitary authority.

(8.) Nothing in this section shall alter or repeal any of the provisions of the City of London Sewers Act, 1851 [14 & 15 Vict. c. 75], or of the Whitechapel Improvement Act, 1853 [16 & 17 Vict. c. cxli].

24. Summary proceedings for abatement of nuisance.

(a.) Any fireplace or furnace which does not, as far as practicable, consume the smoke arising from the combustible used therein, and which is used for working engines by steam, or in mill, factory, dyehouse, brewery, bakehouse, or gaswork, or in any manufacturing or trade process whatsoever; and

(b.) Any chimney (not being the chimney of a private dwelling-house) sending forth black smoke in such quantity as to be a nuisance; shall be nuisances liable to be dealt with summarily under this Act, and the provisions of this Act relating to those nuisances shall apply accordingly:

Provided that the court, hearing a complaint against a person in respect of a nuisance arising from a fireplace or furnace which does not consume the smoke arising from the combustible used in such fireplace or furnace, shall hold that no nuisance is created, and dismiss the complaint, if satisfied that such fireplace or furnace is constructed in such manner as to consume as far as practicable, having regard to the nature of the manufacture or trade, all smoke arising therefrom, and that such fireplace or furnace has been carefully attended to by the person having the charge thereof.

Workshops and Bakehouses.

25. Limewashing and washing of workshops. (1.) Where, on the certificate of a medical officer of health or sanitary inspector, it appears to any sanitary authority that the limewashing, cleansing, or purifying of any workshop (other than a bakehouse), or of any part thereof, is necessary for the health of the persons employed therein, the sanitary authority shall serve notice in writing on the owner or occupier of the workshop to limewash, cleanse,

or purify the workshop or part as the case requires, within the time specified in the notice; and, if the person on whom notice is so served fails to comply therewith, he shall be liable to a fine not exceeding five pounds, and to a further fine not exceeding ten shillings for every day during which he continues to make default after conviction; and the sanitary authority may, if they think fit, cause the workshop or part to be limewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person on whom the notice was served.

(2.) This section shall apply to any factory which is not subject to the provisions of the Factory and Workshop Act, 1878 [41 & 42 Vict. c. 16], and the Acts amending the same, and to any workplace, in like manner as it applies to a workshop.

26. Enactments respecting bakehouses. (1.) Sections thirty-four, thirty-five, and eighty-one of the Factory and Workshop Act, 1878 [41 & 42 Vict. c. 16], and sections fifteen and sixteen of the Factory and Workshop Act Amendment Act, 1883 [46 & 47 Vict. c. 53] (which relate to cleanliness, ventilation, and other sanitary conditions), shall, as respect every bakehouse which is a workshop, be enforced by the sanitary authority of the district in which the bakehouse is situate, and they shall be the local authority within the meaning of those sections.

(2.) For the purposes of this section, the provisions of this Act with respect to the admission of the sanitary authority and their officers into any premises for any purpose in relation to nuisances shall apply in like manner as if they were herein re-enacted and in terms made applicable to this section; and every person refusing or failing to allow the sanitary authority or their officer to enter any premises in pursuance of those provisions for the purposes of this section shall be subject to a fine.

27. Notice to factory inspector respecting child or woman in workshop. If any child, young person, or woman is employed in a workshop, and the medical officer of the sanitary authority becomes aware thereof, he shall forthwith give written notice thereof to the factory inspector for the district.

Dairies.

28. Orders and regulations for dairies. (1.) The Local Government Board may make such general or special orders as they think fit for the following purposes, or any of them, that is to say,—

- (a.) for the registration with the county council of all persons carrying on the trade of dairymen;
- (b.) for the inspection of cattle in dairies, and for prescribing and regulating the lighting, ventilation, cleansing, drainage, and water supply of dairies in the occupation of persons carrying on the trade of dairymen;
- (c.) for securing the cleanliness of milk-vessels used for containing milk for sale by such persons;
- (d.) for prescribing precautions to be taken for protecting milk against infection or contamination;
- (e.) for authorising the county council to make byelaws for the purposes aforesaid, or any of them.

(2.) The county council for the purpose of enforcing the said orders and any byelaws made thereunder shall have the same right to be admitted to any premises as a sanitary authority have under this Act for the purpose of examining as to the existence of a nuisance liable to be dealt with summarily, and the provisions of this Act shall apply accordingly as if they were herein re-enacted and in terms made applicable to this section, and in particular with the substitution of the county council for the sanitary authority.

(3.) The Local Government Board may by any such order impose the like fines for offences against orders made under this section as may be imposed for offences against the byelaws of a sanitary authority under this Act.

(4.) In the application of this section to the City of London, the mayor, commonalty, and citizens of the city acting by the council shall be substituted for the county council, and their expenses in the execution of this section shall be paid out of the consolidated rate.

Removal of Refuse.

29. Duty of sanitary authority to clean streets.

(1.) It shall be the duty of every sanitary authority to keep the streets of their district, which are repairable by the inhabitants at large, including the footways, properly swept and cleansed so far as is reasonably practicable, and to collect and remove from the said streets, so far as is reasonably practicable, all street refuse.

(2.) If any such street in the district of any sanitary authority, including the footway, is not properly swept and cleansed, or the street refuse is not collected and removed from any such street, so far as is reasonably practicable, as required by this section, the sanitary authority shall be liable to a fine not exceeding twenty pounds.

(3.) So much of any Act as requires the occupier or owner of any premises in London to cause the footways and watercourses adjoining the premises to be swept and cleansed is hereby repealed.

30. Removal of house refuse.] (1.) It shall be the duty of every sanitary authority—

(a) to secure the due removal at proper periods of house refuse from premises, and the due cleansing out and emptying at proper periods of ashpits, and of earth closets, privies, and cesspools (if any), in their district, and the giving of sufficient notice of the times appointed for such removal, cleansing out, and emptying, and

(b) where the house refuse is not removed from any premises in the district at the ordinary period, or any ashpit, earth-closet, privy, or cesspool in or under any building in the district is not cleansed out or emptied at the ordinary period, and the occupier of the premises serves on the authority a written notice requiring the removal of such refuse, or the cleansing out and emptying of the ashpit, earth-closet, privy, or cesspool, as the case may be, to comply with such notice within forty-eight hours after that service, exclusive of Sundays and public holidays.

(2.) If a sanitary authority fail without reasonable cause to comply with this section, they shall be liable to a fine not exceeding twenty pounds.

(3.) If any person in the employ of the sanitary authority, or of any contractor with the sanitary authority, demands from an occupier or his servant any fee or gratuity for removing any house refuse from any premises, he shall be liable to a fine not exceeding twenty shillings.

31. Sanitary authority to appoint scavengers.] Every sanitary authority shall employ a sufficient number of scavengers, or contract with any scavengers, whether a company or individuals, for the execution of the duties of the sanitary authority under this Act with respect to the sweeping and cleansing of the several streets within their district, and the collection and removal of street refuse and house refuse, and the cleansing out and emptying of ash-pits, earth-closets, privies, and cesspools.

32. Disposal of refuse.] All street refuse and house refuse collected by or on behalf of a sanitary authority shall be the property of that authority, and the authority shall have full power to sell and dispose of the same for the purposes of this Act as they may think proper, and the person purchasing the same shall have full power to take, carry away, and dispose of the same for his own use, and the money arising from the sale thereof shall be applied toward defraying the expenses of the execution of this Act.

33. Owners, &c. to pay for removal of refuse of trades.] (1.) If the sanitary authority are required by the owner or occupier of any premises to remove any trade refuse, that authority shall do so, and the owner or occupier shall pay to that authority a reasonable sum for such removal, and such sum, in case of dispute, shall be settled by the order of a petty sessional court.

(2.) If any dispute or difference of opinion arises between the owner or occupier and the sanitary authority as to what is to be considered as trade refuse, a petty sessional court, on complaint made by either party, may by order determine whether the subject matter of dispute is or is not trade refuse, and the decision of that court shall be final.

34. Provision on neglect of scavengers to remove dust.] (1.) If the sanitary authority, or any persons employed by them, neglect for the space of seven days to remove all such house refuse as they are required by or in pursuance of this Act to remove,

then an occupier of premises (after twenty-four hours' notice given by him to the sanitary authority requiring them to remove the same), may without prejudice to any other proceeding under this Act give away or sell his house refuse; and any person who in pursuance of such gift or sale removes the said house refuse shall not be liable to any fine for so doing.

(2.) Save as aforesaid, if any person other than the sanitary authority or their contractors or servants receives, carries away, or collects any house refuse or street refuse from any premises or street, such person shall be liable to a fine not exceeding five pounds.

35. Removal of filth on requisition of sanitary inspector.] (1.) Where it appears to a sanitary inspector that any accumulation of any obnoxious matter, whether manure, dung, soil, filth, or other matter, ought to be removed, and it is not the duty of the sanitary authority to remove the same, he shall serve notice on the owner thereof, or on the occupier of the premises on which it exists, requiring him, to remove the same, and if the notice is not complied with within forty-eight hours from the service thereof, exclusive of Sundays and public holidays, the matter referred to shall be the property of the sanitary authority, and be removed and disposed of by them, and the proceeds (if any) of such disposal shall be applied in payment of the expenses incurred with reference to the matter removed, and the surplus (if any) shall be paid on demand to the former owner of the matter.

(2.) The expenses of such removal and disposal, so far as not covered by such proceeds, may be recovered by the sanitary authority in a summary manner from the former owner of the matter removed, or from the occupier, or, where there is no occupier, the owner, of the premises.

36. Removal of refuse from stables, cow-houses, &c.] (1.) The sanitary authority, if they think fit, may employ a sufficient number of scavengers, or contract with any scavengers, whether a company or individuals, for collecting and removing the manure and other refuse matter from any stables and cow-houses within their district, the occupiers of which signify their consent in writing to such removal; provided that—

(a) such consent shall not be withdrawn or revoked without one month's previous notice to the sanitary authority, and

(b) no person shall be hereby relieved from any fine to which he may be subject for placing dung or manure upon any footways or carriageways, or for having any accumulation or deposit of manure or other refuse matter so as to be a nuisance or injurious or dangerous to health.

(2.) Notice may be given by a sanitary authority (by public announcement in the district or otherwise) requiring the periodical removal of manure or other refuse matter from stables, cowhouses, or other premises; and, where any such notice has been given, if any person to whom the manure or other refuse matter belongs fails to comply with the notice, he shall be liable without further notice to a fine not exceeding twenty shillings for each day during which such non-compliance continues.

Regulations as to Waterclosets, &c.

37. Obligations to provide waterclosets, &c.] (1.) It shall not be lawful newly to erect any house or to rebuild any house pulled down to or below the ground floor without a sufficient ashpit furnished with proper doors and coverings, and one or more proper and sufficient waterclosets according as circumstances may require, furnished with suitable water supply and water supply apparatus, and with suitable trapped soilpan and other suitable works and arrangements, so far as may be necessary to ensure the efficient operation thereof.

(2.) If any person offends against the foregoing enactment of this section, he shall be liable to a fine not exceeding twenty pounds.

(3.) If at any time it appears to the sanitary authority that any house, whether built before or after the commencement of this Act is without such ashpit or water-closets as aforesaid, the sanitary authority shall cause notice to be served on the owner or occupier of the house, requiring him forthwith, or within such reasonable time as is specified in the notice, to provide the same in accordance with the directions in the notice; and, if

the notice is not complied with, the said owner or occupier shall be liable to a fine not exceeding five pounds, and a further fine not exceeding forty shillings for each day during which the offence continues; or the sanitary authority, if they think fit, in lieu of proceeding for a fine, may enter on the premises and execute such works as the case may require, and may recover the expenses incurred by them in so doing from the owner of the house.

(4.) Provided that—

(a.) where sewerage or water supply sufficient for a watercloset is not reasonably available, this section shall be complied with by the provision of a privy or earth-closet; and

(b.) where a watercloset has before the commencement of this Act been and is used in common by the inmates of two or more houses, and in the opinion of the sanitary authority may continue to be properly so used, they need not require a watercloset to be provided for each house.

(5.) Any person who thinks himself aggrieved by any notice or act of a sanitary authority under this section may appeal to the county council, whose decision shall be final.

38. Sanitary conveniences for manufactories, &c.] (1.) Every factory, workshop, and workplace, whether erected before or after the passing of this Act, shall be provided with sufficient and suitable accommodation in the way of sanitary conveniences, regard being had to the number of persons employed in or in attendance at such building, and also where persons of both sexes are, or are intended to be, employed, or in attendance, with proper separate accommodation for persons of each sex.

(2.) Where it appears to a sanitary authority that this section is not complied with in the case of any factory, workshop, or workplace, the sanitary authority shall, by notice served on the owner or occupier of such factory, workshop, or workplace, require him to make the alterations and additions necessary to secure such compliance, and if the person served with such notice fails to comply therewith he shall be liable to a fine not exceeding twenty pounds, and to a fine not exceeding forty shillings for every day after conviction during which the non-compliance continues.

39. Byelaws as to waterclosets, &c.] (1.) The county council shall make byelaws with respect to water-closets, earth closets, privies, ashpits, cesspools, and receptacles for dung, and the proper accessories thereof in connection with buildings, whether constructed before or after the passing of this Act.

(2.) Every sanitary authority shall make byelaws with respect to the keeping of waterclosets supplied with sufficient water for their effective action.

(3.) It shall be the duty of every sanitary authority to observe and enforce the byelaws under this section; and any directions given by the sanitary authority under this Act shall be in accordance with the said byelaws, and so far as they are not so in accordance shall be void.

40. Power for sanitary authority to authorize examination of waterclosets, &c.] (1.) The sanitary authority may examine any of the following works, that is to say, any watercloset, earth closet, privy, ashpit, or cesspool, and any water supply, sink, trap, siphon, pipe, or other works or apparatus connected therewith, upon any premises within their district, and for that purpose, or for the purpose of ascertaining the course of a drain, may at all reasonable times by day, after twenty-four hours' notice has been served on the occupier of the premises, or if they are unoccupied on the owner, or in case of emergency without notice, enter on any premises, and cause the ground to be opened in any place they think fit, doing as little damage as may be.

(2.) If any such work as aforesaid is found on examination to be in accordance with this Act and the byelaws of the county council and sanitary authority and directions of the sanitary authority given in any notice under this Act, and in proper order and condition, the sanitary authority shall cause the same to be reinstated and made good as soon as may be, and shall defray the expenses of examination, reinstating, and making good the same, and pay full compensation for all damages or injuries done or occasioned by the examination; but if on examination any such work is found not to be in proper order or condition, or not to have been made or provided by any person according to the

said by laws and directions, or to be contrary to this Act, the reasonable expenses of the examination shall be repaid to the sanitary authority by the person offending, and may be recovered by that authority in a summary manner.

41. Penalty on persons improperly making or altering waterclosets, &c.] (1.) In any of the following cases—

- (a) if, on such examination as in the preceding section mentioned, any such work as therein mentioned is found not to have been made or provided by any person according to the by-laws of the county council and sanitary authority, and the directions of the sanitary authority given in any notice under this Act, or to be contrary to this Act, or
- (b) if a person, without the consent of the sanitary authority, constructs or rebuilds any water-closet, earth closet, privy, ashpit, or cesspool which has been ordered by them either not to be made, or to be demolished, or
- (c) if a person discontinues any water supply without lawful authority, or
- (d) if a person destroys any sink, trap, siphon, pipe, or any connected works or apparatus as aforesaid either without lawful authority or so that the destruction creates a nuisance or is injurious or dangerous to health,

every person so offending shall be liable to a fine not exceeding ten pounds; and if he does not, within fourteen days after notice is served on him by the sanitary authority, or within any further time allowed by that authority, or appearing to a petty sessions court necessary for the execution of the works, cause such water-closet, earth closet, privy, ashpit, or cesspool to be altered or reinstated in conformity with the said by-laws and directions, or, as the case may be, to be demolished, or such water supply to be renewed, or such sink, trap, siphon, pipe or other connected works or apparatus to be restored, such person shall be liable to a fine not exceeding twenty shillings for each day during which the offence continues; or the sanitary authority, if they think fit, in lieu of proceeding for a fine, may enter on the premises and cause the work to be done, and the expenses thereof shall be paid by the person who has so offended.

(2.) If, on such examination as aforesaid, any water-closet, earth closet, privy, ashpit, or cesspool, or any water supply, sink, trap, siphon, pipe, or any of the connected works or apparatus as aforesaid, appears to be in bad order and condition, or to require cleansing, alteration, or amendment, or to be filled up, the sanitary authority shall cause notice to be served on the owner or occupier of the premises upon or in respect of which the inspection was made, requiring him forthwith, or within a reasonable time specified in the notice, to do what is necessary to place the work in proper order and condition; and if such notice is not complied with, the said owner or occupier shall be liable to a fine not exceeding five pounds, and to a further fine not exceeding forty shillings for each day during which the offence continues; or the sanitary authority, if they think fit, in lieu of proceeding for a fine, may enter on the premises and execute the works, and the expenses incurred by them in so doing shall be paid to them by the owner or occupier of the premises.

(3.) Any person who thinks himself aggrieved by any notice or act of a sanitary authority under this section in relation to any water-closet, earth closet, privy, ashpit, or cesspool, may appeal to the county council, whose decision shall be final.

42. Improper construction or repair of water-closet or drain.] If a water-closet or drain is so constructed or repaired as to be a nuisance or injurious or dangerous to health, the person who undertook or executed such construction or repair shall, unless he shows that such construction or repair was not due to any wilful act, neglect, or default, be liable to a fine not exceeding twenty pounds:

Provided that where a person is charged with an offence under this section he shall be entitled, upon information duly laid by him, to have any other person, being his agent, servant, or workman, whom he charges as the actual offender, brought before the court at the time appointed for hearing the charge, and if he proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence, and that the said other person committed the offence without his knowledge, consent, or connivance, he shall be exempt from any fine, and the said other person may be summarily convicted of the offence.

43. Sanitary authority to cause offensive ditches, drains, &c., to be cleansed or covered.] (1.) Every sanitary authority

(a) shall drain, cleanse, cover, or fill up, or cause to be drained, cleansed, covered, or filled up, all ponds, pools, open ditches, drains, and places containing or used for the collection of any drainage, filth, water, matter, or thing of an offensive nature, or likely to be prejudicial to health, which may be situate in their district; and

(b) shall cause notice to be served on the person causing any such nuisance, or on the owner or occupier of any premises whereon the same exists, requiring him, within the time specified in such notice, to drain, cleanse, cover, or fill up such pond, pool, ditch, drain, or place, or to construct a proper drain for the discharge of such filth, water, matter, or thing, or to execute such other works as the case may require.

(2.) If the person on whom such notice is served fails to comply therewith, he shall be liable to a fine not exceeding five pounds, and a further fine not exceeding forty shillings for each day during which the offence continues; or the sanitary authority, if they think fit, in lieu of proceeding for a fine, may enter on the premises and execute such works as may be necessary for the abatement of the nuisance, and may recover the expenses thereby incurred from the owner of the premises: Provided that—

(a) the sanitary authority, where they think it reasonable, may defray all or any portion of the said expenses, as expenses of sewerage are to be defrayed by that authority; and

(b) where any work which a sanitary authority does or requires to be done in pursuance of this section interferes with or prejudicially affects any ancient mill, or any right connected therewith, or other right to the use of water, the sanitary authority shall make full compensation to all persons sustaining damage thereby, in manner provided by the Metropolitan Management Act, 1855 [18 & 19 Vict. c. 120], or if they think fit, may purchase such mill, or any such right connected therewith, or other right to the use of water; and the provisions of the said Act with respect to purchases by the sanitary authority shall be applicable to every such purchase as aforesaid.

(3.) Any person who thinks himself aggrieved by any notice or act of a sanitary authority under this section in relation to the construction, covering, filling up, or other alteration of any drain may appeal to the county council, whose decision shall be final.

44.—Power to sanitary authority to provide public conveniences.] (1.) Every sanitary authority may provide and maintain public lavatories and ashpits and public sanitary conveniences other than privies, in situations where they deem the same to be required, and may supply such lavatories and sanitary conveniences with water, and may defray the expense of providing such lavatories, ashpits, and sanitary conveniences, and of any damage occasioned to any person by the erection or construction thereof, and the expense of keeping the same in good order, as if they were expenses of sewerage.

(2.) For the purpose of such provision the subsoil of any road, exclusive of the footway adjoining any building or the curtilage of a building, shall be vested in the sanitary authority.

45.—Regulations as to public sanitary conveniences.] (1.) Where a sanitary authority provide and maintain any public lavatories, ashpits, or sanitary conveniences, such authority may—

- (a) make regulations with respect to the management thereof, and by-laws as to the decent conduct of persons using the same; and
- (b) let the same for any term not exceeding three years at such rent and subject to such conditions as they may think fit; and
- (c) charge such fees for the use of any lavatories or waterclosets provided by them as they may think proper.

(2.) No public lavatory, ashpit, or sanitary convenience shall be erected in or accessible from any street without the consent in writing of the sanitary authority, who may give their consent upon such terms as to the use thereof or the removal thereof at any time, if required by the sanitary authority, as they may think fit.

(3.) If any person erects a lavatory, ashpit, or sanitary convenience in contravention of this section, and after notice to that effect served by the sanitary authority does not remove the same, he shall be liable to a fine not exceeding five pounds, and to a fine not exceeding twenty shillings for every day during which the offence continues after a conviction for the offence.

(4.) Nothing in this section shall extend to any lavatory or sanitary convenience now or hereafter erected by any railway company within their railway station yard or the approaches thereto.

46. Sanitary conveniences used in common.] The following provisions shall have effect with respect to any sanitary convenience used in common by the occupiers of two or more separate dwelling-houses, or by other persons:—

(1.) If any person injures or improperly fouls any such sanitary convenience, or anything used in connection therewith, he shall for each offence be liable to a fine not exceeding ten shillings.

(2.) If any such sanitary convenience or the approaches thereto, or the walls, floors, seats, or fittings thereof, is or are in the opinion of the sanitary authority or of their sanitary inspector or medical officer of health in such a state as to be a nuisance or annoyance to any inhabitant of the district for want of the proper cleansing thereof, such of the persons having the use thereof in common as may be in default, or, in the absence of proof satisfactory to the court as to which of the persons having the use thereof in common is in default, each of those persons, shall be liable to a fine not exceeding ten shillings, and to a fine not exceeding five shillings for every day during which the offence continues after a conviction for the offence.

Unsound Food.

47. Inspection and destruction of unsound meat, &c.] (1.) Any medical officer of health or sanitary inspector may at all reasonable times enter any premises and inspect and examine

(a) any animal intended for the food of man which is exposed for sale, or deposited in any place for the purpose of sale, or of preparation for sale, and

(b) any article, whether solid or liquid, intended for the food of man, and sold or exposed for sale or deposited in any place for the purpose of sale or of preparation for sale,

the proof that the same was not exposed or deposited for any such purpose or was not intended for the food of man, resting with the person charged; and if any such animal or article appears to such medical officer or inspector to be diseased, or unsound, or unwholesome, or unfit for the food of man, he may seize and carry away the same himself or by an assistant, in order to have the same dealt with by a justice.

(2.) If it appears to a justice that animal or article which has been seized or is liable to be seized under this section is diseased, or unsound, or unwholesome, or unfit for the food of man, he shall condemn the same, and order it to be destroyed or so disposed of as to prevent it from being exposed for sale or used for the food of man; and the person to whom the same belongs or did belong at the time of sale or exposure for sale, or deposit for the purpose of sale or of preparation for sale, or in whose possession or on whose premises the same was found, shall be liable on summary conviction to a fine not exceeding fifty pounds for every animal, or article, or if the article consists of fruit, vegetables, corn, bread, or flour, for every parcel thereof so condemned, or, at the discretion of the court, without the infliction of a fine, to imprisonment for a term of not more than six months with or without hard labour.

(3.) Where it is shown that any article liable to be seized under this section, and found in the possession of any person was purchased by him from another person for the food of man, and when so purchased was in such a condition as to be liable to be seized and condemned under this section, the person who so sold the same shall be liable to the fine and imprisonment above mentioned, unless he proves that at the time he sold the said article he did not know, and had no reason to believe, that it was in such condition.

(4.) Where a person convicted of an offence under this section has been within twelve months previously

convicted of an offence under this section, the court may, if it thinks fit, and finds that he knowingly and wilfully committed both such offences, order that a notice of the facts be affixed, in such form and manner, and for such period not exceeding twenty-one days, as the court may order, to any premises occupied by that person, and that the person do pay the costs of such affixing; and if any person obstructs the affixing of such notice, or removes, defaces, or conceals the notice while affixed during the said period, he shall for each offence be liable to a fine not exceeding five pounds.

(5.) If the occupier of a licensed slaughter-house is convicted of an offence under this section, the court convicting him may cancel the licence for such slaughter-house.

(6.) If any person obstructs an officer in the performance of his duty under any warrant for entry into any premises granted by a justice in pursuance of this Act for the purposes of this section, he shall, if the court is satisfied that he obstructed with intent to prevent the discovery of an offence against this section, or has within twelve months previously been convicted of such obstruction, be liable to imprisonment for any term not exceeding one month in lieu of any fine authorised by this Act for such obstruction.

(7.) A justice may act in adjudicating on an offender under this section, whether he has or has not acted in ordering the animal or article to be destroyed or disposed of.

(8.) Where a person has in his possession any article which is unsound or unwholesome or unfit for the food of man, he may, by written notice to the sanitary authority, specifying such article, and containing a sufficient identification of it, request its removal, and the sanitary authority shall cause it to be removed as if it were trade refuse.

Provisions as to Water.

48. Provisions as to house without proper water supply.] (1.) An occupied house without a proper and sufficient supply of water shall be a nuisance liable to be dealt with summarily under this Act, and, if it is a dwelling-house, shall be deemed unfit for human habitation.

(2.) A house which after the commencement of this Act is newly erected, or is pulled down to or below the ground floor and rebuilt, shall not be occupied as a dwelling-house until the sanitary authority have certified that it has a proper and sufficient supply of water, either from a water company or by some other means.

(3.) If the sanitary authority refuse such certificate, or fail to give it within one month after written request for the same from the owner of the house, the owner of the house may apply to a petty sessional court, and that court, after hearing or giving the sanitary authority an opportunity to be heard, may, if they think the certificate ought to have been granted, make an order authorising the occupation of the house; but, unless such order is made, an owner who occupies or permits to be occupied the house as a dwelling-house without such certificate shall be liable to a fine not exceeding ten pounds, and to a fine not exceeding twenty shillings for every day during which it is so occupied until a proper and sufficient supply of water is provided; but the imposition of such fine shall be without prejudice to any proceedings for obtaining a closing order.

49. Notice to sanitary authority of water supply being cut off.] (1.) Where a water company may lawfully cut off the water supply to any inhabited dwelling-house and cease to supply such dwelling-house with water for non-payment of water rate or other cause, the company shall in every case, within twenty-four hours after exercising the said right, give notice thereof in writing to the sanitary authority of the district in which the house is situated.

(2.) Any company which neglects to comply with the foregoing provision shall be liable to a fine not exceeding ten pounds, and it shall be the duty of the sanitary authority to take proceedings against any company in default.

(3.) This section shall apply to every water company which is a trading company supplying water for profit.

50. Cleansing of cisterns.] Every sanitary authority shall make bylaws for securing the cleanliness and freedom from pollution of tanks, cisterns, and

other receptacles used for storing of water used or likely to be used by man for drinking or domestic purposes, or for manufacturing drink for the use of man.

51. Power of sanitary authority as to public fountains.] (1.) All existing public cisterns, reservoirs, wells, fountains, pumps, and works used for the gratuitous supply of water to the inhabitants of the district of any sanitary authority, and not vested in any person or authority other than the sanitary authority, shall vest in and be under the control of the sanitary authority; and that authority may maintain the same and plentifully supply them with pure and wholesome water, or may substitute, maintain, and plentifully supply with pure and wholesome water other such works equally convenient, and may maintain and supply with water as aforesaid other public cisterns, reservoirs, wells, fountains, pumps, and other such works within their district.

(2.) The sanitary authority may provide and maintain public wells, pumps, and drinking fountains in such convenient and suitable situations as they may deem proper.

(3.) If any person wilfully damages any of the said wells, pumps, or fountains, or any part thereof, he shall, in addition to any punishment to which he is liable, pay to the sanitary authority the expenses of repairing or reinstating such well, fountain, pump, or part thereof.

52. Penalty for causing water to be corrupted by gas washings.] (1.) If any person engaged in the manufacture of gas—

(a) causes or suffers to be brought or to flow into any source of water supply, or into any drain or pipe communicating therewith, any washing or other substance produced in making or supplying gas; or,

(b) wilfully or negligently does any act connected with the making or supplying of gas whereby the water in any source of water supply is fouled,

he shall for every such offence be liable to a fine of two hundred pounds, and, after the expiration of twenty-four hours notice from the sanitary authority or the person to whom the water belongs in that behalf, to a further fine of twenty pounds for every day during which the offence continues.

(2.) Every such fine may be recovered, with full costs of action, in the High Court, in the case of water belonging to or under the control of the sanitary authority by that authority, and in any other case by the person into whose water such washing or other substance is brought or flows, or whose water is fouled by any such act as aforesaid, or in default of proceedings by such person after notice to him from the sanitary authority of their intention to proceed for such fine, by the sanitary authority; but such fine shall not be recoverable unless it is sued for during the continuance of the offence, or within six months after it has ceased.

53. Penalty for fouling water.] If any person does any act whereby any fountain or pump is wilfully or maliciously damaged, or is guilty of any act or neglect whereby the water of any well, fountain, or pump used or likely to be used by man for drinking or domestic purposes, or for manufacturing drink for the use of man, is polluted or fouled, he shall be liable to a fine not exceeding five pounds for each offence, and a further fine not exceeding twenty shillings for every day during which the offence continues after notice is served on him by the sanitary authority in relation thereto, but this section shall not extend to offences against the last preceding section by persons engaged in the manufacture of gas.

54. Power to close polluted wells, &c.] (1.) On the representation of any person to a sanitary authority that within their district the water in any well, tank, or cistern, public or private, or supplied from any public pump, is used or likely to be used by man for drinking or domestic purposes, or for manufacturing drink for the use of man, and is so polluted, or is likely to be so polluted, as to be injurious or dangerous to health, a petty sessional court, on complaint by such authority and after hearing the person who is the owner or occupier of the premises to which the well, tank, or cistern belongs, if it be private, or in the case of a public well, tank, cistern, or pump, is alleged in the complaint to be interested in the same, or after giving him an opportunity of being heard,

may by summary order direct the well, tank, cistern, or pump to be permanently or temporarily closed, or make such other order as appears to the court requisite to prevent injury or danger to the health of persons drinking the water.

(2.) The court may if they see fit, cause the water complained of to be analysed at the cost of the sanitary authority complaining.

(3.) If the person on whom the order is made fails to comply therewith, he shall be liable to a fine not exceeding twenty pounds, and a petty sessional court on complaint by the sanitary authority may authorise that authority to execute the order, and any expenses incurred by them in so doing may be recovered in a summary manner from the said person.

Infectious Diseases.—Notification.

55. Notification of infectious disease.] (1.) Where an inmate of any house within the district of a sanitary authority is suffering from an infectious disease to which this section applies, the following provisions shall have effect, that is to say:—

(a) The head of the family to which such inmate (in this section referred to as the patient) belongs, and in his default the nearest relatives of the patient present in the house or being in attendance on the patient, and in default of such relatives, every person in charge of or in attendance on the patient, and in default of any such person the master of the house, shall, as soon as he becomes aware that the patient is suffering from an infectious disease to which this section applies, send notice thereof to the medical officer of health of the district:

(b) Every medical practitioner attending on or called in to visit the patient shall forthwith, on becoming aware that the patient is suffering from an infectious disease to which this section applies, send to the medical officer of health of the district a certificate stating the full name and the age and sex of the patient, the full postal address of the house, and the infectious disease from which in the opinion of such medical practitioner the patient is suffering, and stating also whether the case occurs in the private practice of such practitioner or in his practice as a medical officer of any public body or institution, and where the certificate refers to the inmate of a hospital it shall specify the place from which and the date at which the inmate was brought to the hospital, and shall be sent to the medical officer of health of the district in which the said place is situate:

Provided that, in the case of a hospital of the Metropolitan Asylums Managers, a notice or certificate need not be sent respecting any inmate with respect to whom a copy of the certificate has been previously forwarded by the medical officer of health of the district to the said Managers.

(2.) Every person required by this section to send a notice or certificate, who fails forthwith to send the same, shall be liable to a fine not exceeding forty shillings: Provided that if a person is not required to send notice in the first instance, but only in default of some other person, he shall not be liable to any fine if he satisfies the court that he had reasonable cause to suppose that the notice had been duly sent.

(3.) The Local Government Board may prescribe forms for the purpose of certificates to be sent in pursuance of this section, and if such forms are so prescribed, they shall be used in all cases to which they apply. The sanitary authority shall gratuitously supply forms of certificate to any medical practitioner residing or practising in their district who applies for the same, and shall pay to every medical practitioner for each certificate duly sent by him in accordance with this section a fee of two shillings and sixpence if the case occurs in his private practice, and of one shilling if the case occurs in his practice as medical officer of any public body or institution.

(4.) Where a medical officer of health receives a certificate under this section relating to a patient within the Metropolitan Asylum district, he shall, within twelve hours after such receipt, send a copy thereof to the Metropolitan Asylum Managers, and to the head teacher of the school attended by the patient (if a child), or by any child who is an inmate of the same house as the patient. The Metropolitan Asylum Managers shall repay to the sanitary authority the fees paid by that authority in respect

of the certificates whereof copies have been so sent to the Managers. The Managers shall send weekly to the county council, and to every medical officer of health, such return of the infectious diseases of which they receive certificates in pursuance of this section as the county council require.

(5.) Where in any district of a sanitary authority there are two or more medical officers of health of that authority, a certificate under this section shall be sent to such one of those officers as has charge of the area in which the patient referred to in the certificate, or to such other of those officers as the sanitary authority may direct.

(6.) A notice or certificate to be sent to a medical officer in pursuance of this section may be sent to such officer at his office or residence.

(7.) This section shall apply to every building, vessel, tent, van, shed, or similar structure used for human habitation, in like manner as nearly as may be as if it were a house; but nothing in this section shall extend to any house, building, vessel, tent, van, shed, or similar structure belonging to Her Majesty the Queen, or to any inmate thereof, nor to any vessel belonging to any foreign government.

(8.) In this section the expression "infectious disease to which this section applies" means any of the following diseases, namely, small-pox, cholera, diphtheria, membranous croup, erysipelas, the disease known as scarlatina or scarlet fever, and the fevers known by any of the following names, typhus, typhoid, enteric, relapsing, continued or puerperal, and includes as respects any particular district any infectious disease to which this section has been applied by the sanitary authority of the district in manner provided by this Act.

56. Power of sanitary authority to add to number of infectious diseases of which notification is required.]

(1.) The sanitary authority of any district may, by resolution passed at a meeting of that authority of which such notice has been given as in this section mentioned, order that the foregoing section with respect to the notification of infectious disease shall apply in their district to any infectious disease other than a disease specifically mentioned in that section; any such order may be permanent or temporary, and if temporary, the period during which it is to continue in force shall be specified therein, and any such order may be revoked or varied by the sanitary authority which made the same.

(2.) Fourteen clear days at least before the meeting at which such resolution is proposed special notice of the meeting, and of the intention to propose the making of such order, shall be given to every member of the sanitary authority, and the notice shall be deemed to have been duly given to a member if it is given in the mode in which notices to attend meetings of the sanitary authority are usually given.

(3.) An order under this section and the revocation and variation of any such order shall not be of any validity until it has been approved by the Local Government Board, and when it is so approved the sanitary authority shall give public notice thereof by advertisement in a local newspaper, and by hand-bills, and otherwise in such manner as the sanitary authority think sufficient for giving information to all persons interested; they shall also send a copy thereof to each legally qualified medical practitioner whom, after due inquiry, they ascertain to be residing or practising in their district.

(4.) The said order shall come into operation at such date not earlier than one week after the publication of the first advertisement of the approved order as the sanitary authority may fix, and upon the order coming into operation, and during the continuance thereof, an infectious disease mentioned in the order shall, within the district of the authority, be an infectious disease to which the foregoing section with respect to the notification of infectious disease applies.

(5.) In the case of emergency three clear days' notice of the meeting and of the intention to propose the making of the order shall be sufficient, and the resolution shall declare the cause of the emergency and shall be for a temporary order, and a copy thereof shall be forthwith sent to the Local Government Board and advertised, and the order shall come into operation at the expiration of one week from the date of the advertisement; but unless approved by the Local Government Board shall cease to be in force at the expiration of one month after it has passed, or any earlier date fixed by the Local Government Board; if it is approved by the Local

Government Board that approval shall be conclusive evidence that the case was one of emergency.

(6.) The county council shall, as respects London, have the same power of extending the foregoing section by order to any infectious disease, and the same power of revoking and varying the order, as a sanitary authority have under this section as respects their district; and the foregoing section when so extended by the county council shall be construed as if it had been applied under this section as respects every district in London by the sanitary authority thereof.

57. Non-disqualification of medical officer by receipt of fees.] (1.) A payment made to any medical practitioner in pursuance of the provisions of this Act with respect to the notification of infectious disease shall not disqualify that practitioner for serving as member of the county council, or of a sanitary authority, or as guardian of a poor law union, or in any other public office.

(2.) Where a medical practitioner attending on a patient is himself the medical officer of health of the district, he shall be entitled to the same fee as if he were not such medical officer.

Infectious Diseases.—Prevention.

58. Application of special provisions to certain infectious diseases.] The following provisions of this Act relating to dangerous infectious diseases shall apply to the infectious diseases specifically mentioned in the foregoing enactment of this Act relating to the notification of infectious disease, and all or any of such provisions may be applied by order to any other infectious disease in the same manner as that enactment may be applied to such disease, subject to the same power of revoking and varying the order, and every such infectious disease is in this Act referred to as a dangerous infectious disease.

59. Provision of means for disinfecting of bedding, &c.] (1.) Every sanitary authority shall provide, either within or without their district, proper premises with all necessary apparatus and attendance for the destruction and for the disinfection, and carriages or vessels for the removal, of articles (whether bedding, clothing, or other) which have become infected by any dangerous infectious disease, and may provide the same for the destruction, disinfection, and removal of such articles when infected by any other disease; and shall cause any such articles brought for destruction or disinfection, whether alleged to be infected by any dangerous infectious disease or by any other disease, to be destroyed or to be disinfected and returned, and may remove, and may destroy, or disinfect and return, such articles free of charge.

(2.) Any sanitary authorities may execute their duty under this section by combining for the purposes thereof, or by contracting for the use by one of the contracting authorities of any premises provided for the purpose of this section by another of such contracting authorities, and may so combine or contract upon such terms as may be agreed upon.

60. Cleansing and disinfecting of premises, &c.] (1.) Where the medical officer of health of any sanitary authority, or any other legally qualified medical practitioner, certifies that the cleansing and disinfecting of any house, or part thereof, and of any articles therein likely to retain infection, or the destruction of such articles, would tend to prevent or check any dangerous infectious disease, the sanitary authority shall serve notice on the master, or where the house or part is unoccupied on the owner, of such house or part that the same and any such articles therein will be cleansed and disinfected or (as regards the articles) destroyed, by the sanitary authority, unless he informs the sanitary authority within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the house or part and any such articles or destroy such articles to the satisfaction of the medical officer of health, or of any other legally qualified medical practitioner, within a time fixed in the notice.

(2.) If either—

(a.) within twenty-four hours from the receipt of the notice, the person on whom the notice is served does not inform the sanitary authority as aforesaid, or

(b.) having so informed the sanitary authority he fails to have the house or part thereof and any such articles disinfected or such articles destroyed as aforesaid within the time fixed in the notice, or

(c.) The master or owner without such notice gives his consent,

the house or part and articles shall be cleansed and disinfected or such articles destroyed by the officers and at the cost of the sanitary authority under the superintendence of the medical officer of health.

(3.) For the purpose of carrying into effect this section the sanitary authority may enter by day on any premises.

(4.) The sanitary authority shall provide, free of charge, temporary shelter or house accommodation with any necessary attendants for the members of any family in which any dangerous infectious disease has appeared, who have been compelled to leave their dwellings, for the purpose of enabling such dwellings to be disinfected by the sanitary authority.

(5.) When the sanitary authority have disinfected any house, part of a house, or article, under the provisions of this section, they shall compensate the master or owner of such house, or part of a house, or the owner of such article, for any unnecessary damage thereby caused to such house, part of a house, or article; and when the authority destroy any article under this section they shall compensate the owner thereof; and the amount of any such compensation shall be recoverable in a summary jurisdiction.

61. Disinfection of bedding, &c.] (1.) Any sanitary authority may serve a notice on the owner of any bedding, clothing, or other articles which have been exposed to the infection of any dangerous infectious disease, requiring the delivery thereof to an officer of the sanitary authority for removal for the purpose of destruction or disinfection; and if any person fails to comply with such notice he shall, on the information of the sanitary authority, be liable to a fine not exceeding ten pounds.

(2.) The bedding, clothing, and articles if so disinfected by the sanitary authority shall be brought back and delivered to the owner free of charge, and if any of them suffer any unnecessary damage the authority shall compensate the owner for the same, and the authority shall also compensate the owner for any articles destroyed; and the amount of compensation shall be recoverable in a summary manner.

62. Infectious rubbish thrown into ash-pits, &c., to be disinfected.] (1.) If a person knowingly casts, or causes or permits to be cast, into any ash-pit any rubbish infected by a dangerous infectious disease without previous disinfection, he shall be liable to a fine not exceeding five pounds, and, if the offence continues, to a further fine not exceeding forty shillings for every day during which the offence so continues after the notice hereafter in this section mentioned.

(2.) The sanitary authority shall cause their officers to serve notice of the provisions of this section on the master of any house or part of a house in which they are aware that there is a person suffering from a dangerous infectious disease, and on the request of such master shall provide for the removal and disinfection or destruction of the aforesaid rubbish.

63. Penalty on letting houses in which infected persons have been lodging.] (1.) Any person who knowingly lets for hire any house, or part of a house, in which any person has been suffering from any dangerous infectious disease, without having such house or part of a house, and all articles therein liable to retain infection, disinfected to the satisfaction of a legally qualified medical practitioner, as testified by a certificate signed by him, or (as regards the articles) destroyed, shall be liable to a fine not exceeding twenty pounds.

(2.) For the purposes of this section, the keeper of an inn shall be deemed to let for hire part of a house to any person admitted as a guest into such inn.

64. Penalty on persons letting houses making false statements as to infectious disease.] Any person letting for hire, or showing for the purpose of letting for hire, any house or part of a house, who, on being questioned by any person negotiating for the hire, as to the fact of there being, or within six weeks previously having been, therein any person suffering from any dangerous infectious disease, knowingly makes a false answer to such question, shall be liable, at the discretion of the court, to a fine not exceeding twenty pounds, or to imprisonment, with or without hard labour, for a period not exceeding one month.

65. Penalty on ceasing to occupy house without disinfection or notice to owner, or making false answer.] (1.) Where a person ceases to occupy any house, or part of a house, in which any person has within six weeks previously been suffering from any dangerous infectious disease, and either—

- (a.) fails to have such house, or part of a house, and all articles therein liable to retain infection, disinfected to the satisfaction of a legally qualified medical practitioner, as testified by a certificate signed by him, or such articles destroyed, or
- (b.) fails to give to the owner or master of such house, or part of a house, notice of the previous existence of such disease, or
- (c.) on being questioned by the owner or master of, or by any person negotiating for the hire of, such house or part of a house, as to the fact of there having within six weeks previously been therein any person suffering from any dangerous infectious disease, knowingly makes a false answer to such question, he shall be liable to a fine not exceeding ten pounds.

(2.) The sanitary authority shall cause their officers to serve notice of the provisions of this section on the master of any house or part of a house in which they are aware that there is a person suffering from a dangerous infectious disease.

66. Removal to hospital of infected persons without proper lodging.] (1.) A person suffering from any dangerous infectious disease, who is without proper lodging or accommodation, or is lodged in a tent or van, or is on board a vessel, may, on a certificate signed by a legally qualified medical practitioner, and with the consent of the superintending body of the hospital to which he is to be removed, be removed by order of a justice, and at the cost of the sanitary authority of the district where such person is found, to any hospital in or within a convenient distance of London.

(2.) The order may be addressed to such constable or officer of the sanitary authority as the justice making the same thinks expedient; and if any person wilfully disobeys or obstructs the execution of such order he shall be liable to a fine not exceeding ten pounds.

(3.) Any sanitary authority may make byelaws for removing to any hospital to which that authority are entitled to remove patients, and for keeping in that hospital so long as may be necessary, any persons brought within their district by any vessel who are infected with a dangerous infectious disease.

67. Detention of infected person without proper lodging in hospital.] (1.) A justice, on being satisfied that a person suffering from any dangerous infectious disease is in a hospital, and would not on leaving the hospital be provided with lodging or accommodation in which proper precautions could be taken to prevent the spreading of the disease by such person, may direct such person to be detained in the hospital at the cost of the Metropolitan Asylum Managers during the time limited by the justice. Any justice may enlarge the time as often as appears to him necessary for preventing the spread of the disease.

(2.) The direction may be carried into execution by any officer of any sanitary authority, or of the Metropolitan Asylum Managers, or by any inspector of police, or any officer of the hospital.

68. Penalty on exposure of infected persons and things.] (1.) If any person—

- (a.) while suffering from any dangerous infectious disease wilfully exposes himself without proper precautions against spreading the said disease in any street, public place, shop, or inn; or
- (b.) being in charge of any person so suffering, so exposes such sufferer; or
- (c.) gives, lends, sells, transmits, removes, or exposes, without previous disinfection, any bedding, clothing, or other articles which have been exposed to infection from any such disease;

he shall be liable to a fine not exceeding five pounds.

(2.) Provided that proceedings under this section shall not be taken against persons transmitting with proper precautions any bedding, clothing, or other articles for the purpose of having the same disinfected.

69. Prohibition on infected person carrying on business.] A person who knows himself to be

suffering from a dangerous infectious disease shall not milk any animal or pick fruit, and shall not engage in any occupation connected with food or carry on any trade or business in such a manner as to be likely to spread the infectious disease, and if he does so he shall be liable to a fine not exceeding ten pounds.

70. Prohibition on conveyance of infected person in public conveyance.] It shall not be lawful for any owner or driver of a public conveyance knowingly to convey, or for any other person knowingly to place, in any public conveyance, a person suffering from any dangerous infectious disease, or for a person suffering from any such disease to enter any public conveyance, and if he does so he shall be liable to a fine not exceeding ten pounds; and, if any person so suffering is conveyed in any public conveyance, the owner or driver thereof, as soon as it comes to his knowledge, shall give notice to the sanitary authority, and shall cause such conveyance to be disinfected, and if he fails so to do he shall be liable to a fine not exceeding five pounds, and the owner or driver of such conveyance shall be entitled to recover in a summary manner from the person so conveyed by him, or from the person causing that person to be so conveyed, a sum sufficient to cover any loss and expense incurred by him in connection with such disinfection. It shall be the duty of the sanitary authority, when so requested by the owner or driver of such public conveyance, to provide for the disinfection of the same, and they may do so free of charge.

71. Inspection of dairies, and power to prohibit supply of milk.] (1.) If the medical officer of health of any district has evidence that any person in the district is suffering from a dangerous infectious disease attributable to milk supplied within the district from any dairy situate within or without the district, or that the consumption of milk from such dairy is likely to cause any such infectious disease to any person residing in the district, such medical officer shall, if authorised by an order of a justice having jurisdiction in the place where the dairy is situate, have power to inspect the dairy, and if accompanied by a veterinary inspector or some other properly qualified veterinary surgeon to inspect the animals therein; and, if on such inspection the medical officer of health is of opinion that any such infectious disease is caused from consumption of the milk supplied therefrom, he shall report thereon to the sanitary authority, and his report shall be accompanied by any report furnished to him by the said veterinary inspector or veterinary surgeon, and the sanitary authority may thereupon serve on the dairyman notice to appear, before them within such time, not less than twenty-four hours, as may be specified in the notice, to show cause why an order should not be made requiring him not to supply any milk therefrom within the district until the order has been withdrawn by the sanitary authority.

(2.) The sanitary authority, if in their opinion he fails to show such cause, may make the said order, and shall forthwith serve notice of the facts on the county council of the county in which the dairy is situate, and on the Local Government Board, and, if the dairy is situate within the district of another sanitary authority, on such authority.

(3.) The said order shall be forthwith withdrawn on the sanitary authority or their medical officer of health on their behalf being satisfied that the milk supply has been changed, or that the cause of the infection has been removed.

(4.) If any person refuses to permit the medical officer of health, on the production of a justice's order under this section, to inspect any dairy, or if so accompanied as aforesaid to inspect the animals kept there, or, after any such order has been made, supplies any milk within the district in contravention of the order or sells it for consumption therein, he shall, on the information of the sanitary authority, be liable to a fine not exceeding five pounds, and, if the offence continues, to a further fine not exceeding forty shillings for every day during which the offence continues.

(5.) Provided that—

- (a.) Proceedings in respect of the offence shall be taken before a court having jurisdiction in the place where the dairy is situate, and
- (b.) a dairyman shall not be liable to an action for breach of contract if the breach be due to an order under this section.

(6.) Proceedings may be taken under this section

in respect of a dairy situate in the district of a local authority under the Public Health Acts, and the notice of the facts shall be served on the local authority as if they were a sanitary authority within the meaning of this Act.

(7.) Nothing in or done under this section shall interfere with the operation or effect of the Contagious Diseases (Animals) Acts, 1878 to 1886, or this Act, or of any order, licence, or act of the Board of Agriculture or the Local Government Board thereunder, or of any order, byelaw, regulation, licence, or act of a local authority made, granted, or done under any such order of the Board of Agriculture or the Local Government Board, or exempt any dairy, building, or thing or any person from the provisions of any general Act relating to dairies, milk, or animals.

72. Prohibition of retention of dead body in certain cases.] (1.) A person shall not without the sanction in writing of the medical officer of health, or of a legally qualified medical practitioner, retain unburied for more than forty-eight hours elsewhere than in a room not used at the time as a dwelling-place, sleeping-place, or workroom, the body of any person who has died of any dangerous infectious disease.

(2.) If a person acts in contravention of this section he shall, on the information of the sanitary authority, be liable to a fine not exceeding five pounds.

73. Body of person dying of infectious disease in hospital, &c., to be removed only for burial.] (1.) If a person dies in a hospital from any dangerous infectious disease, and the medical officer of health, or any legally qualified medical practitioner, certifies that in his opinion it is desirable, in order to prevent the risk of communicating such infectious disease, that the body be not removed from such hospital except for the purpose of being forthwith buried, it shall not be lawful for any person to remove the body except for that purpose; and the body when taken out of such hospital shall be forthwith taken direct to the place of burial, and there buried.

(2.) If any person wilfully offends against this section he shall, on the information of the sanitary authority, be liable to a fine not exceeding ten pounds.

(3.) Nothing in this section shall prevent the removal of a dead body from a hospital to a mortuary, and such mortuary shall, for the purposes of this section, be deemed part of such hospital.

74. Disinfection of public conveyances if used for carrying corpses.] If—

- (a.) a person hires or uses a public conveyance other than a hearse for conveying the body of a person who has died from any dangerous infectious disease, without previously notifying to the owner or driver of the conveyance that such person died from infectious disease, or
- (b.) the owner or driver does not, immediately after the conveyance has to his knowledge been used for conveying such body, provide for the disinfection of the conveyance,

he shall, on the information of the sanitary authority, be liable to a fine not exceeding five pounds, and if the offence continues to a further fine not exceeding forty shillings for every day during which the offence continues.

Hospitals and Ambulances.

75. Power of sanitary authority to provide hospitals.]

(1.) Any sanitary authority may provide for the use of the inhabitants of their district hospitals temporary or permanent, and for that purpose may—

- (a.) themselves build such hospitals, or
- (b.) contract for the use of any hospital or part of a hospital, or
- (c.) enter into any agreement with any person having the management of any hospital for the reception of the sick inhabitants of their district, on payment of such annual or other sum as may be agreed on.

(2.) Two or more sanitary authorities may combine in providing a common hospital.

76. Recovery of cost of maintenance of non-infectious patient in hospital.] Any expenses incurred by a sanitary authority in maintaining in a hospital (whether or not belonging to that authority) a patient who is not a pauper, and is not suffering from an infectious disease, shall be a simple contract debt due to the sanitary authority from that patient, or from any person liable by law to maintain him, but

proceedings for its recovery shall not be commenced after the expiration of six months from the discharge of the patient, or if he dies in such hospital from the date of his death.

77. Power to provide temporary supply of medicine.] Any sanitary authority may, with the sanction of the Local Government Board, themselves provide, or contract with any person to provide, a temporary supply of medicine and medical assistance for the poorer inhabitants of their district.

78. Provision of conveyance for infected persons.] A sanitary authority may provide and maintain carriages suitable for the conveyance of persons suffering from any infectious disease, and pay the expense of conveying therein any person so suffering to a hospital or other place of destination.

79. Power for Metropolitan Asylum Board to provide landing-places, vessels, ambulances &c.] (1.) The Metropolitan Asylum Managers shall continue to maintain the wharves, landing-places, and approaches thereto heretofore provided by them, whether within or without London, and may use the same for the embarkation and landing of persons removed to or from any hospital belonging to the Managers, and for any other purpose in relation thereto.

(2.) The Managers may also provide and maintain vessels for use in connexion with the said wharves or landing-places, and with the hospitals of the Managers, and also carriages suitable for the conveyance of persons suffering from any dangerous infectious disease, and shall cause the vessels and carriages, to be from time to time properly cleansed and disinfected, and may provide and maintain such buildings and horses, and employ such persons, and do such other things as are necessary or proper for the purposes of such conveyance.

(3.) The Metropolitan Asylum Managers may allow any of the said carriages with the necessary attendants to be also used for the conveyance of persons suffering from any dangerous infectious disease to and from hospitals and places other than hospitals provided by the Managers, and may make a reasonable charge for that use.

80. Reception of non-pauper fever and small-pox patients into hospital in metropolitan district.] (1.) The Metropolitan Asylum Managers, subject to such regulations and restrictions as the Local Government Board prescribe, may admit any person, who is not a pauper, and is reasonably believed to be suffering from fever or small-pox or diphtheria, into a hospital provided by the Managers.

(2.) The expenses incurred by the Managers for the maintenance of any such person shall be paid by the board of guardians of the poor law union from which he is received.

(3.) The said expenses shall be repaid to the board of guardians out of the metropolitan common poor fund.

(4.) The admission of a person suffering from an infectious disease into any hospital provided by the Metropolitan Asylum Managers, or the maintenance of any such person therein, shall not be considered to be parochial relief, alms, or charitable allowance to any person, or to the parent or husband of any person; nor shall any person or his or her parent or husband be by reason thereof deprived of any right or privilege, or be subjected to any disability or disqualification.

81.—Reception into hospital in Metropolitan district of child from school outside London.] (1.) Where the London School Board send any child to an industrial school which is provided by them outside London, such child shall for the purpose of the enactments relating to the Metropolitan Asylum Managers be deemed to continue to be an inhabitant of London, and if such child is sent to any hospital of those Managers he shall be deemed to have been sent from that place in London from which he was sent to the said industrial school.

(2.) This section shall apply to that part of London which is not within the Metropolitan Asylum district as if it were within that district, and the board of guardians of the poor law union comprising that part shall pay for such child accordingly.

Prevention of Epidemic Diseases.

82. Sanitary authority to execute epidemic regulations.] (1.) The sanitary authority of any district within which or part of which regulations issued by the Local Government Board in pursuance of section

one hundred and thirty-four of the Public Health Act, 1875 [38 & 39 Vict. c. 55.], set out in the First Schedule to this Act (in this Act referred to as the epidemic regulations) are in force, shall superintend and see to the execution thereof, and shall appoint and pay such medical or other officers or persons, and do and provide all such acts, matters, and things, as may be necessary for mitigating any disease to which the regulations relate, or for superintending or aiding in the execution of such regulations, or for executing the same, as the case may require.

(2.) The sanitary authority may direct any prosecution or legal proceedings for or in respect of the wilful violation or neglect of any such regulation.

(3.) The sanitary authority shall have power to enter on any premises or vessel for the purpose of executing or superintending the execution of any of the epidemic regulations.

83. Poor law medical officers entitled to costs of attendance on board vessels.] (1.) Whenever, in compliance with the epidemic regulations, any poor law medical officer performs any medical service on board any vessel, he shall be entitled to charge extra for such service, at the general rate of his allowance for services for the poor law union for which he is appointed; and such charges shall be paid by the master of the vessel on behalf of the owners thereof, together with any reasonable expenses for the treatment of the sick.

(2.) Where such service is rendered by any medical practitioner who is not a poor law medical officer, he shall be entitled to charge for the service with extra remuneration on account of distance, at the rate which he is in the habit of receiving from private patients of the class of those attended and treated on shipboard, and such charge shall be paid as aforesaid. Any dispute in respect of such charge may, where the charges do not exceed twenty pounds, be determined by a petty sessions court; and that court shall determine summarily the amount which is reasonable, according to the accustomed rate of charge within the place where the dispute arises for attendance on patients of the like class as those in respect of whom the charge is made.

84. Local Government Board may combine sanitary authorities.] The Local Government Board may, if they think fit, by order authorise or require any two or more sanitary authorities to act together for the purposes of the epidemic regulations and prescribe the mode of such joint action, and of defraying the cost thereof, and generally may make any regulations necessary or proper for carrying into execution this section.

85. Metropolitan Asylum Managers a sanitary authority for prevention of epidemic diseases.] (1.) The Metropolitan Asylum Managers shall within their district have for the purpose of the epidemic regulations such powers and duties of a sanitary authority as may be assigned to them by the regulations; and the Local Government Board may make regulations for that purpose and thereby provide for the adjustment of the functions of the Managers relatively to those of any sanitary authorities.

(2.) Subject to such regulations the Metropolitan Asylum Managers may use any of their property, real or personal, and their staff, for the execution of any powers or duties conferred or imposed on them under this section.

86. Power to let hospitals, &c.] Any authority or body of persons having the management and control of any hospital, infirmary, asylum, or workhouse may let the same or any part thereof to the Metropolitan Asylum Managers, and enter into and carry into effect contracts with those Managers for the reception, treatment, and maintenance therein of persons suffering from cholera or choleraic diarrhoea within the district of the Managers.

Provided that the power conferred by this section shall not, without the consent of the Local Government Board, be exercised with respect to any asylum under the Metropolitan Poor Act, 1867 (30 & 31 Vict. c. 6), or any workhouse.

87. Repayment to sanitary authorities of certain expenses.] The amount expended in pursuance of the epidemic regulations by any sanitary authority in providing any building for the reception of patients or other persons shall, to such extent as may be determined by the Local Government Board, together with two-thirds of the salaries or remuneration of any officers or servants employed in any such building under this Act, be repaid to such sanitary authority from the metropolitan common poor fund

by the receiver of that fund, out of any moneys for the time being in his hands, on the precept of the said Board, to be issued after the production of such evidence in support of the expenditure as they may deem satisfactory, and the said Board may require contributions for the purpose of raising the sums so repayable.

Mortuaries, &c.

88. Power of local authority to provide mortuaries.] Every sanitary authority shall provide and fit up a proper place for the reception of dead bodies before interment (in this Act called a mortuary), and may make byelaws with respect to the management and charges for the use of the same; they may also provide for the decent and economical interment, at charges to be fixed by such byelaws, of any dead body received into a mortuary.

89. Power of justice in certain cases to order removal of dead body to mortuary.] (1.) Where either—

(a.) the body of a person who has died of any infectious disease is retained in a room in which persons live or sleep; or

(b.) the body of a person who has died of any dangerous infectious disease is retained without the sanction of the medical officer of health or any legally qualified medical practitioner for more than forty-eight hours, elsewhere than in a room not used at the time as a dwelling-place, sleeping-place, or work-room; or

(c.) any dead body is retained in any house or room, so as to endanger the health of the inmates thereof, or of any adjoining or neighbouring house or building,

a justice may, on a certificate signed by a medical officer of health or other legally qualified medical practitioner, direct that the body be removed, at the cost of the sanitary authority, to any available mortuary, and be buried within the time limited by the justice; and may if it is the body of a person who has died of an infectious disease, or if he considers immediate burial necessary, direct that the body be buried immediately, without removal to the mortuary.

(2.) Unless the friends or relations of the deceased undertake to bury and do bury the body within the time so limited, it shall be the duty of the relieving officer to bury such body, and any expense so incurred shall be paid (in the first instance) by the board of guardians of the poor law union, but may be recovered by them in a summary manner from any person legally liable to pay the expense of such burial.

(3.) If any person obstructs the execution of any direction given by a justice under this section, he shall be liable to a fine not exceeding five pounds.

90. Power of sanitary authority to provide places for post-mortem examinations.] (1.) Any sanitary authority may, and if required by the county council shall, provide and maintain a proper building (otherwise than at a workhouse) for the reception of dead bodies during the time required to conduct any post-mortem examination ordered by a coroner or other constituted authority, and may make regulations with respect to the management of such building.

(2.) Any such building may be provided in connection with a mortuary, but this enactment shall not authorise the conducting of any post-mortem examination in a mortuary.

91. Power to sanitary authorities to unite for providing mortuary.] Any sanitary authorities may, with the approval of the county council, execute their duty under this Act with respect to mortuaries and buildings for post-mortem examinations by combining for the purpose thereof, or by contracting for the use by one of the contracting authorities of any such mortuary or building provided by another of such contracting authorities, and may so combine or contract upon such terms as may be agreed upon.

92. Place for holding inquests.] The county council shall provide and maintain proper accommodation for the holding of inquests, and may by agreement with a sanitary authority provide and maintain the same in connection with a mortuary or a building for post-mortem examinations provided by that authority, or with any building belonging to that authority, and may do so on such terms as may be agreed on with the authority.

93. Mortuary for unidentified bodies.] (1.) The county council may provide and fit up in London one or two suitable buildings to which dead bodies

found in London and not identified, together with any clothing, articles, and other things found with or on such dead bodies, may on the order of a coroner be removed, and in which they may be retained and preserved with a view to the ultimate identification of such dead bodies.

(2.) A Secretary of State may make regulations as to—

- (a.) the manner in which and conditions subject to which any such bodies shall be removed to any such building, and the payments to be made at such building to persons bringing any unidentified dead body for reception; and
 - (b.) the fees and charges to be paid upon the removal or interment of any such dead body which has been identified after its reception, and the persons by whom such fees and payments are to be made, and the manner and method of recovering the same; and
 - (c.) The disposal and interment of any such bodies.
- (3.) The county council may provide at the said buildings all such appliances as they think expedient for the reception and preservation of bodies, and may make regulations (subject to the provisions aforesaid) as to the management of the said buildings and the bodies therein, and as to the conduct of persons employed therein or resorting thereto for the purpose of identifying any body.
- (4.) Subject to and in accordance with such regulations as may be made by a Secretary of State, any such body found in London may (on the order in writing of a coroner holding or having jurisdiction to hold the inquest on the same) be removed to any building provided under this section, and subject as aforesaid the inquest on any such body shall be held by the same coroner and in the same manner as if the said building were within the district of such coroner.

Byelaws as to Houses let in Lodgings.

94. Power of sanitary authority to make byelaws as to lodging-houses. (1.) Every sanitary authority shall make and enforce such byelaws as are requisite for the following matters; (that is to say),

- (a.) for fixing the number of persons who may occupy a house or part of a house which is let in lodgings or occupied by members of more than one family, and for the separation of the sexes in a house so let or occupied;
- (b.) for the registration of houses so let or occupied;
- (c.) for the inspection of such houses;
- (d.) for enforcing drainage for such houses, and for promoting cleanliness and ventilation in such houses;
- (e.) for the cleansing and lime-washing at stated times of the premises;
- (f.) for the taking of precautions in case of any infectious disease.

(2.) This section shall not apply to common lodging-houses within the Common Lodging Houses Act, 1851 [14 & 15 Vict. c. 28], or any Act amending the same [16 & 17 Vict. c. 41].

Tents and Vans.

95. Tents and Vans used for human habitation. (1.) A tent, van, shed, or similar structure used for human habitation, which is in such a state as to be a nuisance or injurious or dangerous to health, or is so overcrowded as to be injurious or dangerous to the health of the inmates, whether or not members of the same family, shall be a nuisance liable to be dealt with summarily under this Act.

(2.) A sanitary authority may make byelaws for promoting cleanliness in, and the habitable condition of tents, vans, sheds, and similar structures used for human habitation, and for preventing the spread of infectious disease by the persons inhabiting the same, and generally for the prevention of nuisances in connection with the same.

(3.) Where any person duly authorised by a sanitary authority or by a justice has reasonable cause to suppose either—

- (a.) that any tent, van, shed, or similar structure used for human habitation is in such a state or so overcrowded as aforesaid, or that there is any contravention therein of any byelaw made under this section; or
- (b.) that there is in any such tent, van, shed, or structure any person suffering from a dangerous infectious disease,

he may enter by day such tent, van, shed, or structure, and examine the same and every part thereof in order to ascertain whether such tent, van, shed, or structure is in such a state or so overcrowded as aforesaid, or whether there is therein any such contravention, or a person suffering from a dangerous infectious disease, and the provisions of this Act with respect to the entry into any premises by an officer of the sanitary authority shall apply to the entry by any person duly authorised as aforesaid.

(4.) Nothing in this section shall apply to any tent, van, shed, or structure erected or used by any portion of Her Majesty's naval or military forces.

Underground Rooms.

96. Provisions as to the occupation of underground rooms as dwellings. (1.) Any underground room, which was not let or occupied separately as a dwelling before the passing of this Act, shall not be so let or occupied unless it possesses the following requisites; that is to say,

- (a.) unless the room is in every part thereof at least seven feet high measured from the floor to the ceiling, and has at least three feet of its height above the surface of the street or ground adjoining or nearest to the room: Provided that, if the width of the area hereinafter mentioned is not less than the height of the room from the floor to the said surface of the street or ground, the height of the room above such surface may be less than three feet, but it shall not in any case be less than one foot, and the width of the area need not in any case be more than six feet;
- (b.) unless every wall of the room is constructed with a proper damp course, and, if in contact with the soil, is effectually secured against dampness from that soil;
- (c.) unless there is outside of and adjoining the room and extending along the entire frontage thereof and upwards from six inches below the level of the floor thereof an open area properly paved at least four feet wide in every part thereof; Provided that in the area there may be placed steps necessary for access to the room, and over and across such area there may be steps necessary for access to any building above the underground room, if the steps in each case be so placed as not to be over or across any external window;
- (d.) unless the said area and the soil immediately below the room are effectually drained;
- (e.) unless, if the room has a hollow floor, the space beneath it is sufficiently ventilated to the outer air;
- (f.) unless any drain passing under the room is properly constructed of a gas-tight pipe;
- (g.) unless the room is effectually secured against the rising of any effluvia or exhalation;
- (h.) unless there is appurtenant to the room the use of a water-closet and a proper and sufficient ash-pit;
- (i.) unless the room is effectually ventilated;
- (j.) unless the room has a fire-place with a proper chimney or flue;
- (k.) unless the room has one or more windows opening directly into the external air with a total area clear of the sash frames equal to it at least one tenth of the floor area of the room, and so constructed that one half at least of each window of the room can be opened, and the opening in each case extends to the top of the window.

(2.) If any person lets or occupies, or continues to let, or knowingly suffers to be occupied, any underground room contrary to this enactment, he shall be liable to a fine not exceeding twenty shillings for every day during which the room continues to be so let or occupied.

(3.) The foregoing provisions shall at the expiration of six months after the commencement of this Act extend to underground rooms let or occupied separately as dwellings before the passing of this Act, except that the sanitary authority, either by general regulations providing for classes of underground rooms, or on the application of the owner of such room in any particular case, may dispense with or modify any of the said requisites which involve the structural alteration of the building, if they are of opinion that they

can properly do so having due regard to the fitness of the room for human habitation, to the house accommodation in the district, and to the sanitary condition of the inhabitants and to other circumstances, but any requisite which was required before the passing of this Act shall not be so dispensed with or modified.

(4.) The dispensations and modifications may be allowed either absolutely or for a limited time, and may be revoked and varied by the sanitary authority, and shall be recorded together with the reasons in the minutes of the sanitary authority.

(5.) If the owner of any room feels aggrieved by a dispensation or modification not being allowed as regards that room, he may appeal to the Local Government Board, and that Board may refuse the dispensation or modification, or allow it wholly or partly, as if they were the sanitary authority. Such allowance may be revoked or varied by the Board, but not by the sanitary authority.

(6.) When two or more underground rooms are occupied together, and are not occupied in conjunction with any other room or rooms on any other floor of the same house, each of them shall be deemed to be separately occupied as a dwelling within the meaning of this section.

(7.) Every underground room in which a person passes the night shall be deemed to be occupied as a dwelling within the meaning of this section; and evidence giving rise to a probable presumption that some person passes the night in an underground room shall be evidence, until the contrary is proved, that such has been the case.

(8.) Where it is shown that any person uses an underground room as a sleeping-place, it shall, in any proceeding under this section, lie on the defendant to show that the room is not separately occupied as a dwelling.

(9.) For the purpose of this section the expression "underground room" includes any room of a house the surface of the floor of which room is more than three feet below the surface of the footway of the adjoining street, or of the ground adjoining or nearest to the room.

97. Enforcement of provisions as to underground rooms. (1.) Any officer of a sanitary authority appointed or determined by that authority for the purpose shall, without any fee or reward, report to the sanitary authority, at such times and in such manner as the sanitary authority may order, all cases in which underground rooms are occupied contrary to this Act in the district of such authority.

(2.) Any such officer or any other person having reasonable grounds for believing that any underground room is occupied in contravention of this Act may enter and inspect the same at any hour by day; and if admission is refused to any person other than an officer of the sanitary authority the like warrant may be granted by a justice under this Act as in case of refusal to admit any such officer.

(3.) A warrant of a justice authorising an entry into an underground room may authorise the entry between any hours specified in the warrant.

98. Provision in case of two convictions for unlawfully occupying underground room. Where two convictions for an offence relating to the occupation of an underground room as a dwelling have taken place within a period of three months (whether the persons convicted were or were not the same), a petty sessional court may direct the closing of the underground room for such period as the court may deem necessary, or may empower the sanitary authority of the district permanently to close the same, in such manner as they think fit, at their own cost.

Authorities for Execution of Act.

99. Definition of sanitary authority. (1.) Subject to the provisions of this Act, the sanitary authority for the execution of this Act (in this Act referred to as "the sanitary authority") shall be as follows; (namely),

- (a.) in the City of London the commissioners of sewers; and
- (b.) in each of the parishes mentioned in Schedule (A.) to the Metropolis Management Act, 1855 [18 & 19 Vict. c. 120], as amended by the Metropolis Management Amendment Act, 1865 [18 & 49 Vict. c. 33], and the Metropolis Management (Battersea and

Westminster) Act, 1887 [50 & 51 Vict. c. 17], other than Woolwich, the vestry of the parish; and

(c) in each of the districts mentioned in Schedule (B.) to the same Act, as so amended, the district board for the district; and

(d) in the parish of Woolwich, the local board of health; and

(e) in any place mentioned in Schedule (C.) to the Metropolis Management Act, 1855, the board of guardians for such place or for any parish or poor law union of which it forms part, or, if there is no such board of guardians, the overseers of the poor for such place, or for the parish in which it is situate, and the said guardians and overseers respectively shall have the same powers for the purposes of this Act as a vestry or district board have under this Act, and their expenses shall be defrayed in the same manner as the expenses of the execution of the Acts relating to the relief of the poor are defrayed in the said place.

(2.) The area within which this Act is executed by any sanitary authority is in this Act referred to as the district of that authority.

(3.) The purposes for which a committee of a vestry or district board may be appointed under the Metropolis Management Act, 1855, and the Acts amending the same, shall include the purposes of this Act, and the provisions of those Acts with respect to committees shall apply accordingly.

(4.) Where a sanitary authority appoint a committee for the purposes of this Act, that committee, subject to the terms of their appointment, may serve and receive notices, take proceedings, and empower any officer of the authority to make complaints and take proceedings in their behalf, and otherwise to execute this Act.

(5.) A sanitary authority may acquire and hold land for the purposes of their duties without any licence in mortmain.

100. Power of county council to prosecute on default of sanitary authority.] The county council, on it being proved to their satisfaction that any sanitary authority have made default in doing their duty under this Act with respect to the removal of any nuisance, the institution of any proceedings, or the enforcement of any byelaw, may institute any proceeding and do any act which the authority might have instituted or done for that purpose, and shall be entitled to recover from the sanitary authority in default all such expenses in and about the said proceeding or act as the county council incur, and are not recovered from any other person, and have not been incurred in any unsuccessful proceeding.

101. Proceedings on complaint to Local Government Board of default of sanitary authority.] (1.) Where complaint is made by the county council to the Local Government Board that a sanitary authority have made default in executing or enforcing any provisions which it is their duty to execute or enforce of this Act, or of any byelaw made in pursuance thereof, the Local Government Board, if satisfied after due inquiry that the authority have been guilty of the alleged default, and that the complaint cannot be remedied under the other provisions of this Act, shall make an order limiting a time for the performance of the duty of such authority in the matter of such complaint. If such duty is not performed by the time limited in the order, the order may be enforced by writ of Mandamus, or the Local Government Board may appoint the county council to perform such duty.

(2.) Where such appointment is made, the county council shall, for the purpose of the execution of their duties under the said appointment, have all the powers of the defaulting sanitary authority, and all expenses incurred by the county council in the execution of the said duties, together with the costs of the previous proceedings, so far as not recovered from any other person, shall be a debt from the sanitary authority in default to the county council, and shall be paid by the sanitary authority out of any moneys or rate applicable to the payment of the expenses of performing the duty in which they have made default.

(3.) For the purpose of recovering such debt the county council, without prejudice to any other power of recovery, shall have the same power of levying the amount by a rate, and of requiring

officers of the defaulting authority to pay over money in their hands, as the defaulting authority, would have in the case of expenses legally payable out of a rate raised by that authority.

(4.) The county council shall pay any surplus of the rate so levied to or to the order of the defaulting authority.

(5.) If any loan is required to be raised for the purpose of the execution of their duties under the said appointment, the county council with the consent of the Local Government Board may raise the same, and may for that purpose borrow the required sum in the name of the defaulting authority for the same period, on the same security, and on the same terms as that authority might have borrowed, and the principal and interest of such loan shall be a debt due from the defaulting authority, and shall be secured and may be recovered in like manner as if the loan had been borrowed by that authority.

(6.) The surplus (if any) of any loan not applied for the purpose for which it is raised shall, after payment of the expenses of raising the same, be paid to or to the order of the defaulting authority, and be applied as if it were the surplus of a loan raised by that authority.

102. Application of Public Health Acts to Woolwich.] (1.) The provisions of the Public Health Acts, which are set out in the Second Schedule to this Act, except so far as they are superseded by this Act, shall extend to the parish of Woolwich, and to the local board of health thereof, in like manner as they apply to any urban sanitary district elsewhere, and the sanitary authority thereof, without prejudice to the existing effect of the Metropolis Management Act, 1855, and the Acts amending the same, or to the powers, duties, and liabilities of the county council and the local board of health of Woolwich under the latter Acts.

(2.) The Woolwich Local Board may borrow for the purposes of this Act in like manner as if those purposes were purposes of the Public Health Acts.

103. Expenses of execution of Act.] The expenses incurred by sanitary authorities in London under this Act shall, save as otherwise in this Act mentioned, be defrayed as follows; (namely,)

In the case of the commissioners of sewers, out of their sewer rate and consolidated rate, or either of such rates:

In the case of any vestry or district board, out of their general rate:

In the case of the local board of health of Woolwich, out of the district fund or general district rate.

104. Expenses of Metropolitan Asylum Board. (1.) All expenses incurred by the Metropolitan Asylum Managers in the execution of the provisions of this Act relating to the provision and maintenance of carriages, buildings, and horses, and the conveyance in such carriages of persons suffering from any dangerous infectious disease shall to such extent as the Local Government Board may sanction be defrayed out of the metropolitan common poor fund.

(2.) Save as aforesaid, all expenses incurred by the said Managers in the execution of this Act shall so far as they are not recovered from guardians in pursuance of this Act be defrayed in the same manner as the expenses mentioned in section thirty-one of the Metropolitan Poor Act, 1867 [30 & 31 Vict. c. 6], are to be defrayed under that section; and shall be raised and be recoverable in the same manner as expenses under that Act.

(3.) The provision of vessels and buildings in pursuance of this Act shall be purposes for which the Metropolitan Asylum Managers may borrow in pursuance of the Metropolitan Poor Act, 1867, and any Acts amending the same.

105. Power of vestries and district boards to borrow.] (1.) The provision of hospitals and of mortuaries under this Act, and the purposes of the epidemic regulations under this Act, shall be purposes for which vestries and district boards are authorised to borrow.

(2.) A sanitary authority, with the consent of the Local Government Board, may borrow for the purpose of providing, as required or authorised by this Act—

(a) sanitary conveniences, lavatories, and ash-pits, and

(b) premises, apparatus, carriages, and vessels

for the disinfection, destruction, and removal of infected articles, and

(e) a building for post-mortem examinations and accommodation for the holding of inquests.

(3.) The purposes for which a sanitary authority are authorised under this Act to borrow shall be purposes for which that authority may borrow under the Acts relating to the execution of the other duties of that authority, and, where the consent of the Local Government Board is required and given to any such loan, the consent of any other authority shall not be required.

106. Appointment of medical officers of health.] (1.) Every sanitary authority shall appoint one or more medical officers of health for their district.

(2.) The same person may, with the sanction of the Local Government Board, be appointed medical officer of health for two or more districts, by the sanitary authorities of such districts; and the Local Government Board shall prescribe the mode of such appointment and the proportions in which the expenses of such appointment and the salary and charges of such officer shall be borne by such authorities.

(3.) Every person appointed or re-appointed after the commencement of this Act as medical officer of health of a district shall (except during the two months next after the time of his appointment, or except in cases allowed by the Local Government Board) reside in such district or within one mile of the boundary thereof, and, if while not so residing as required by this enactment he assumes to act or receives any remuneration as such medical officer of health, he shall cease to hold the office.

(4.) A medical officer of health may exercise any of the powers with which a sanitary inspector is invested.

(5.) The annual report of a medical officer of health to the sanitary authority shall be appended to the annual report of the sanitary authority.

107. Appointment of sanitary inspectors. (1.) Every sanitary authority shall appoint an adequate number of fit and proper persons as sanitary inspectors, and may distribute among them the duties to be performed by sanitary inspectors, and every such inspector shall be a person qualified and competent by his knowledge and experience to perform the duties of his office.

(2.) Where the Local Government Board, on a representation from the county council, and after local inquiry, are satisfied that any sanitary authority have failed to appoint a sufficient number of sanitary inspectors, the Board may order the authority to appoint such number of additional sanitary inspectors and to allow them such remuneration as the order directs, and the sanitary authority shall comply with the order.

(3.) The sanitary inspectors shall report to the sanitary authority the existence of any nuisances; and the sanitary authority shall cause a book to be kept in which shall be entered all complaints made of any infringement of the provisions of this Act or of any byelaws made thereunder, or of nuisances; and every such inspector shall forthwith inquire into the truth or otherwise of such complaints, and report upon the same, and such report shall be laid before the sanitary authority at their next meeting, and together with the order of the sanitary authority thereon shall be entered in a book, which shall be kept at their office, and shall be open at all reasonable times to the inspection of any inhabitant of the district, and of any officer either generally or specially authorised for the purpose by the county council; and it shall be the duty of such inspector, subject to the direction of the sanitary authority, or of a committee thereof, to make complaints before justices and take legal proceedings for the punishment of any person for any offence under this Act or any such byelaws.

108. Provisions as to medical officers and sanitary inspectors.] (1.) Subject to the provisions of this Act as to existing officers, the Local Government Board shall have the same powers as they have in the case of a district medical officer of a poor law union with regard to the qualification, appointment, duties, salary, and tenure of office of every medical officer of health and sanitary inspector, and one-half of the salary of every such medical officer and sanitary inspector shall be paid by the

county council out of the Exchequer contribution account in accordance with section twenty-four of the Local Government Act, 1888 [51 & 52 Vict. c. 41], and that section shall be construed as if in subsection two thereof the reference to the Public Health Act, 1875, included a reference to this Act.

(2.) Provided that—

(a.) A medical officer of health shall be legally qualified for the practice of medicine, surgery, and midwifery, and also either be registered in the Medical Register as the holder of a diploma in sanitary science, public health, or State medicine under section twenty-one of the Medical Act, 1886 [49 & 50 Vict. c. 48], or have been during three consecutive years preceding the year one thousand eight hundred and ninety-two a medical officer of a district or combination of districts in London or elsewhere with a population according to the last published census of not less than twenty thousand, or have before the passing of the Local Government Act, 1888, been for not less than three years a medical officer or inspector of the Local Government Board; and

(b.) A medical officer of health shall be removable by the sanitary authority with the consent of the Local Government Board, or by that Board, and not otherwise: Provided that the Local Government Board shall take into consideration every representation made by the sanitary authority for the removal of any medical officer, whether based on the general interests of the district, on the conduct of such officer, or on any other ground; and

(c.) Any such medical officer shall not be appointed for a limited period only; and

(d.) A sanitary inspector appointed after the first day of January one thousand eight hundred and ninety-five shall be holder of a certificate of such body as the Local Government Board may from time to time approve, that he has by examination shown himself competent for such office, or shall have been, during three consecutive years preceding the year one thousand eight hundred and ninety-five, a sanitary inspector or inspector of nuisances of a district in London, or of an urban sanitary district out of London containing according to the last published census a population of not less than twenty thousand inhabitants.

109. Temporary arrangement for duties of medical officer or sanitary inspector.] A sanitary authority, where occasion requires, may, with the sanction of the Local Government Board, make any temporary arrangement for the performance of all or any of the duties of a medical officer of health or sanitary inspector, and any person appointed by virtue of any such arrangement to perform those duties, or any of them, shall, subject to the terms of his appointment, have all the powers, duties, and liabilities of a medical officer of health or sanitary inspector as the case may be.

110. Jurisdiction as to ships.] (1.) For the purposes of this Act any vessel lying in any river or other water within the district of a sanitary authority shall (subject to the provisions of this Act with respect to the port sanitary authority of the port of London) be subject to the jurisdiction of that authority in the same manner as if it were a house within such district.

(2.) The master of any such vessel shall be deemed for the purposes of this Act to be the occupier of such vessel.

(3.) This section shall not apply to any vessel under the command or charge of any officer bearing Her Majesty's commission, or to any vessel belonging to any foreign government.

Port Sanitary Authority of Port of London.

111. Port sanitary authority of port of London.] The Mayor, Commonalty, and Citizens of the City of London shall continue to be the port sanitary authority of the port of London, as established for the purposes of the laws relating to the customs of the United Kingdom, and shall pay out of their corporate funds all their expenses as such port sanitary authority.

112. Powers of port sanitary authority of port of London.] (1.) The Local Government Board may

by order assign to the port sanitary authority of the port of London any powers, rights, duties, capacities, liabilities, or obligations of a sanitary authority under this Act, or of a sanitary authority under the Public Health Act, 1875 [38 & 39 Vict. c. 55] and any Act extending or amending the same respectively, with such modifications and additions (if any) as may appear to the Board to be required, and the order may extend to the said port a byelaw made under this Act otherwise than by the port sanitary authority, and any such byelaw until so extended shall not extend to the said port; and the said port sanitary authority shall have the powers, rights, duties, capacities, liabilities, and obligations assigned by such order in and over all waters within the limits of the said port, and also in and over such districts or parts of districts of riparian authorities as may be specified in any such order, and the order may extend this Act, and any part thereof, and any byelaw made thereunder, to such waters and districts and parts of districts when not situate in London.

(2.) The said port sanitary authority may acquire and hold land for the purposes of their constitution without any licence in mortmain.

(3.) The said port sanitary authority may, with the sanction of the Local Government Board, delegate to any riparian authority the exercise of any powers conferred on the port sanitary authority by the order of the Board, but except in so far as such delegation extends no other authority shall exercise any powers conferred on such port sanitary authority by the order of the Board within the limits of the port of London.

(4.) "Riparian authority" in this section means any sanitary authority under this Act and any sanitary authority under the Public Health Act, 1875, whose district or part of whose district forms part of or abuts on any part of the said port, and any conservators, commissioners, or other persons having authority in or over any part of the said port.

Application of Public Health Acts as to Cholera, &c.

113. Powers of Local Government Board as to epidemic diseases.] The sections of the Public Health Acts (relating to regulations and orders of the Local Government Board with respect to cholera, or other epidemic, endemic, or infectious diseases) set out in the First Schedule to this Act, shall extend to London, and shall apply in like manner as if a sanitary authority under this Act were a local authority within the meaning of those sections.

114. Byelaws.] All byelaws made by the county council or by any sanitary authority under this Act shall be made subject and according to the provisions with respect to byelaws contained in sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act, 1875 [38 & 39 Vict. c. 55], and set forth in the First Schedule to this Act; and those sections shall apply in like manner as if the county council or sanitary authority were a local authority.

Provided that the county council, in making any byelaws which will have to be observed and enforced by any sanitary authority, shall consider any representations made to the council by that authority, and not less than two months before applying to the Local Government Board for the confirmation of any such byelaws shall send a copy of the proposed byelaws to every such authority.

Legal Proceedings.

115. General provisions as to powers of entry. (1.) Where a sanitary authority have by virtue of this Act power to examine or enter any premises, whether a building, vessel, tent, van, shed, structure, or place open or enclosed, they may examine or enter by any members of the authority, or by any officers or persons authorised by them, either generally or in any particular case.

(2.) Where a sanitary authority, or their officers, or any persons acting under such authority, or under any of their officers, have by virtue of any enactment in this Act, a right to enter any premises, whether a building, vessel, tent, van, shed, structure, or place open or enclosed, then, subject to any special provisions contained in such enactment, the following provisions shall apply, that is to say—

(a.) The person so claiming the right to enter shall, if required, produce some written docu-

ment, properly authenticated on the part of the sanitary authority, showing the right of the person producing the same to enter;

(b.) Any person refusing or failing to admit any person who is authorised and claims to enter the premises shall if—

(i.) the entry is for the purpose of carrying into effect an order of a court of summary jurisdiction, and either is stated in the said document to be for that purpose or is claimed by an officer of the sanitary authority, or

(ii.) it is proved that the refusal or failure is with intent to prevent the discovery of some contravention of this Act or any byelaw under this Act, or

(iii.) the refusal or failure is declared by the enactment conferring the right of entry to render the person refusing or failing subject to a fine, be liable to a fine not exceeding five pounds.

(3.) If a justice is satisfied by information on oath—

(a.) that there is reasonable ground for such entry, and that there has been a refusal or failure to admit to such premises, and either that reasonable notice of the intention to apply to a justice for a warrant has been given, or that the giving of notice would defeat the object of the entry, or

(b.) that there is reasonable cause to believe that there is on the said premises some contravention of this Act or of any byelaw under this Act, and that an application for admission or notice of an application for the warrant would defeat the object of the entry,

the justice may by warrant under his hand authorise the sanitary authority or their officers or other person, as the case may require, to enter the premises, and if need be by force, with such assistants as they or he may require, and there execute their duties under this Act.

(4.) Any person obstructing the execution of any such warrant, or of any warrant granted by a justice in pursuance of any other provision of this Act, and authorising the entry by the sanitary authority or their officer or any other person into any premises, shall be liable to a fine not exceeding twenty pounds, or, in a case where a greater punishment is imposed by this Act or any other enactment, either to such fine or to that greater punishment.

(5.) The warrant shall continue in force until the purpose for which the entry is necessary has been satisfied.

(6.) Where a house or part of a house is alleged to be overcrowded so as to be a nuisance liable to be dealt with summarily under this Act, a warrant under this section may authorise an entry into such house or part of a house at any hour of the day or night specified in the warrant.

116. Penalty on obstructing execution of Act.] (1.)

If any person—

(a.) wilfully obstructs any member or officer of a sanitary authority or any person duly employed in the execution of this Act, or

(b.) destroys, pulls down, injures, or defaces any byelaw, notice, or other matter put up by authority of the Local Government Board or county council, or of a sanitary authority, or any board or other thing upon which such byelaw, notice, or matter is placed or inscribed, or

(c.) wilfully damages any works or property belonging to any sanitary authority,

he shall be liable to a fine not exceeding five pounds.

(2.) Where the occupier of any premises prevents the owner thereof from obeying or carrying into effect any provision of this Act, a petty sessional court, on complaint, shall by order require such occupier to permit the execution of any works which appear to the court necessary for the purpose of obeying or carrying into effect such provision of this Act; and if within twenty-four hours after service on him of the order such occupier fails to comply therewith, he shall be liable to a fine not exceeding five pounds for every day during the continuance of such non-compliance.

(3.) If the occupier of any premises, when requested by or on behalf of the sanitary authority to state the name and address of the owner of the premises, refuses or wilfully omits to disclose or

wilfully misstates the same, he shall (unless he shows cause to the satisfaction of the court for his refusal) be liable to a fine not exceeding five pounds.

117. Summary proceedings for offences, expenses, &c.]

(1.) All offences, fines, penalties, forfeitures, costs, and expenses under this Act or any byelaw made under this Act directed to be prosecuted or recovered in a summary manner, or the prosecution or recovery of which is not otherwise provided for, may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts.

(2.) Proceedings for the recovery of a demand not exceeding fifty pounds, which a sanitary authority or any person are or is empowered in a summary manner, may, at the option of the authority or person, be taken in the county court as if such demand were a debt.

(3.) A proceeding under this Act shall not be taken by the county council against a sanitary authority save with the sanction of the Local Government Board, unless such proceeding is for the recovery of expenses or of money due from the sanitary authority to the council.

118. Evidence by defendant.] Any person charged with an offence under this Act, and the wife or husband of such person, may, if such person thinks fit, be called, sworn, examined, and cross-examined as an ordinary witness in the case.

119. Application of fines and disposal of things forfeited.]

(1.) All fines recovered under this Act shall, notwithstanding anything in any other Act, be paid to the sanitary authority and applied by them in aid of their expenses in the execution of this Act, except that any fine imposed on the sanitary authority shall be paid to the county council.

(2.) All things forfeited under this Act may be sold or disposed of in such manner as the court ordering the forfeiture may direct.

120. Proceedings in certain cases against nuisances.]

(1.) Where any nuisance under this Act appears to be wholly or partially caused by the acts or defaults of two or more persons, the sanitary authority or other complainant may institute proceedings against any one of such persons, or may include all or any two or more of them in one proceeding; and any one or more of such persons may be ordered to abate the nuisance, so far as it appears to the court having cognizance of the case to be caused by his or their acts or defaults, or may be prohibited from continuing any acts or defaults which in the opinion of the court contribute to the nuisance, or may be fined or otherwise punished, notwithstanding that the acts or defaults of any one of such persons would not separately have caused a nuisance; and the costs may be distributed as to the court may appear fair and reasonable.

(2.) Proceedings against several persons included in one complaint shall not abate by reason of the death of any among the persons so included, but all such proceedings may be carried on as if the deceased person had not been originally so included.

(3.) Where some only of the persons by whose act or default any nuisance has been caused have been proceeded against under this Act, they shall, without prejudice to any other remedy, be entitled to recover in a summary manner from the other persons who were not proceeded against a proportionate part of the costs of and incidental to such proceedings and abating such nuisance, and of any fine and costs ordered to be paid by the court in such proceedings.

(4.) Whenever in any proceeding under the provisions of this Act relating to nuisances it becomes necessary to mention and refer to the owner or occupier of any premises, it shall be sufficient to designate him as the "owner" or "occupier" of such premises, without name or further description.

121. Recovery of expenses by sanitary authority from owner or occupier.]

Any cost and expenses which are recoverable under this Act by a sanitary authority from an owner of premises may be recovered from the occupier for the time being of such premises; and the owner shall allow the occupier to deduct any money which he pays under this enactment out of the rent from time to time becoming due in respect of the premises, as if the same had been actually paid to the owner as part of the rent: Provided that—

(a.) the occupier shall not be so required to pay any further sum than the amount of rent which either is for the time being due from him, or which after demand from him of such

costs or expenses, and notice not to pay any rent without first deducting the same, becomes payable by him, unless he refuses, on the application of the sanitary authority, truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable; but the burden of proof that the sum demanded from any such occupier is greater than the aforesaid amount of rent shall lie on such occupier; and

(b.) nothing in this section shall affect any contract between any owner and occupier of any premises whereby the occupier agrees to pay or discharge all rates, dues, and sums of money payable in respect of such premises, or shall affect any contract whatsoever between landlord and tenant.

122. Justice to act though member of sanitary authority or liable to contribute.] A judge or justice of the peace shall not be incapable of acting in cases arising under this Act by reason of his being a member of any sanitary authority, or by reason of his being, as one of several ratepayers, or as one of any other class of persons, liable in common with the others to contribute to or to be benefited by any rate or fund out of which any expenses incurred by a sanitary authority are to be defrayed.

123. Appearance of sanitary authority in legal proceedings.]

The county council or a sanitary authority may appear before any court or in any legal proceeding by their clerk, or by any officer or member authorised generally or in respect of any special proceeding by resolution of such council or authority; and their clerk, or any officer or member so authorised, shall be at liberty to institute and carry on any proceeding which the county council or sanitary authority are authorised to institute and carry on under this Act.

124. Protection of sanitary authority and their officers from personal liability.]

No matter or thing done, and no contract entered into by the county council or any sanitary authority, and no matter or thing done by any member of such council or authority, or by any officer of such council or authority, or other person whomsoever acting under the direction of such council or authority, shall, if the matter or thing were done or the contract were entered into *bona fide* for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim, or demand whatsoever; and any expense incurred by the county council or any such authority, member, officer, or other person acting as last aforesaid, shall be borne and repaid out of the rate applicable by that council or authority to the purposes of this Act:

Provided that nothing in this section shall exempt any member of the county council or of any such authority from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of such council or authority, and which that member authorised or joined in authorising.

Appeal.

125. Appeal to quarter sessions.] Any person who deems himself aggrieved by any conviction or order made by a court of summary jurisdiction on determining any information or complaint under this Act may, save as otherwise provided in this Act, appeal therefrom to a court of quarter sessions.

126. Provision as to appeals to county council.] Any appeal to the county council against a notice or act of a sanitary authority under this Act shall be conducted in accordance with sections two hundred and eleven and two hundred and twelve of the Metropolitan Management Act, 1855 [18 & 19 Vict. c. 120], which sections, as modified by the Local Government Act, 1889, are set out in the First Schedule to this Act.

Notices.

127. Authentication of notices, &c.] (1.) Notices, orders, and other such documents under this Act shall be in writing; and notices and documents other than orders, when issued by the county council or a sanitary authority, shall be sufficiently authenticated if signed by their clerk or by the officer by whom the same are given or served.

(2.) Orders shall be under the seal of the council or authority duly authenticated.

128. Service of Notices.] (1.) Any notice, order,

or other document required or authorised to be served under this Act may be served by delivering the same or a true copy thereof either to or at the usual or last known residence in England of the person to whom it is addressed, or, where addressed to the owner or occupier of premises, then to some person on the premises, or, if there is no person on the premises who can be so served, then by fixing the same or a true copy thereof on some conspicuous part of the premises; it may also be served by sending the same or a true copy thereof by post addressed to a person at such residence or premises as above mentioned.

(2.) Any notice required or authorised for the purposes of this Act to be served on a sanitary authority or on the county council shall be deemed to be duly served if in writing delivered at, or sent by post to, the office of the authority or council, addressed to such authority or council, or their clerk.

(3.) Any notice by this Act required to be given to or served on the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice is given or served, without further name or description.

Miscellaneous Provisions.

129. Inquiries by Local Government Board.]

Sections two hundred and ninety-three to two hundred and ninety-six of the Public Health Act, 1875 [38 & 39 Vict. c. 55], which are set forth in the First Schedule to this Act, shall apply to all inquiries which the Local Government Board may make in pursuance of or for the purposes of this Act.

130. Forms.] The forms in the Third Schedule to this Act, or forms to the like effect, varied as circumstances may require, may, unless other forms are prescribed under the Summary Jurisdiction Act, 1875 [42 & 43 Vict. c. 49], be used and shall be sufficient for all purposes.

131. Provision for apportionment of certain expenses between hamlet of Penge and remainder of Lewisham district.]

Where the whole or any part of any expense incurred by the Lewisham District Board of Works, in pursuance of the epidemic regulations, may, under this Act, be repaid to that board out of the metropolitan common poor fund, the amount to be so repaid when ascertained shall be apportioned between the hamlet of Penge and the remainder of the Lewisham district in proportion to the rateable value of such hamlet and remainder, according to the valuation lists in force at the date of the apportionment and the amount apportioned to the hamlet of Penge shall be repaid to the district board by the board of guardians for the Croydon Union out of the common fund of the union, in pursuance of a precept of the Local Government Board to be issued after the like proceedings and in the like manner as in the case of a repayment from the metropolitan common poor fund; and the amount apportioned to the remainder of the Lewisham district shall be repaid to the district board out of the metropolitan common poor fund.

132. Extent of Act.] This Act shall (save as otherwise expressly provided) extend only to London:

Provided that this Act shall extend to places elsewhere so far as is necessary for giving effect to any provisions thereof in their application to London and to any places to which such provisions are expressly applied.

City of London.

133. Application of Act to City.] In the application of this Act to the City of London the following modifications shall be made:

(a.) There shall be no appeal under this Act from the commissioners of sewers to the county council:

(b.) The byelaws made by the county council under this Act shall not extend to the city:

(c.) The county council shall not have power under this Act to require the commissioners of sewers to provide and maintain a building for post-mortem examinations:

(d.) The powers of the county council under this Act to proceed in case of default of a sanitary authority shall not extend to the commissioners of sewers.

134. Power of city police to proceed in certain cases against nuisances.] Where it is proved to the satisfaction of the Local Government Board that the commissioners of sewers have made default in doing their duty in relation to nuisances under this Act, the Board may authorise any officer of police of the City of London to institute any proceeding which the commissioners might institute with regard to such nuisances, and that officer may recover from the commissioners in a summary manner or in the county court or High Court any expenses incurred by him, and not paid by the person proceeded against. Such officer of police shall not for the purpose of this section be at liberty to enter any house or part of a house used as the dwelling of any person without either such person's consent, or the warrant of a justice.

135. Proceedings on complaint to Local Government Board of default of Commissioners of Sewers.]

(1.) Where complaint is made to the Local Government Board that the commissioners of sewers have made default in executing or enforcing any provisions of this Act, the Local Government Board, if satisfied, after due inquiry, that those commissioners have been guilty of the alleged default, shall make an order limiting a time for the performance of their duty in the matter of such complaint. If the duty is not performed by the time limited in the order, the order may be enforced by writ of mandamus, or the Local Government Board may appoint some person to perform the duty, and shall by order direct that the expenses of performing the same, together with a reasonable remuneration to the person appointed for superintending the performance, and amounting to a sum specified in the order, together with the costs of the proceedings, shall be paid by the commissioners of sewers, and any order made for the payment of such expenses and costs may be removed into the High Court, and enforced as an order of that court.

(2.) Any person so appointed shall, in the performance and for the purposes of the said duty, be invested with all the powers of the commissioners of sewers other than (save as hereinafter provided) the powers of levying rates; and the Local Government Board may by order change any person so appointed.

(3.) Any sum specified in an order of the Local Government Board for payment of the expenses of performing the duty of the commissioners of sewers, together with the costs of the proceedings, shall be deemed to be expenses properly incurred by those commissioners, and to be a debt due from them, and payable out of any moneys in their hands or the hands of their officers, or out of any rate applicable to the payment of any expenses properly incurred by the commissioners (which rate is in this section referred to as "the local rate"). If the commissioners refuse to pay any such debt for a period of fourteen days after demand, the Local Government Board may by order empower any person to levy, by and out of the local rate, such sum (to be specified in the order) as may, in the opinion of the Local Government Board, be sufficient to defray the debt, and all expenses incurred in consequence of the nonpayment thereof.

(4.) Any person so empowered shall have the same powers of levying the local rate, and requiring all officers of the commissioners of sewers to pay over any money in their hands, as the commissioners would have in the case of expenses legally payable out of a local rate to be raised by them; and the said person, after repaying all sums of money so due in respect of the order, shall pay the surplus, if any (the amount to be ascertained by the Local Government Board), to or to the order of the commissioners of sewers.

(5.) The Local Government Board may certify the amount of expenses incurred, or an estimate of the expenses about to be incurred, by any person appointed by the Board under this section to perform the duty of the commissioners; also, the amount of any loan required to defray any expenses so incurred, or estimated as about to be incurred; and the certificate of the Board shall be conclusive as to all matters to which it relates.

(6.) Whenever the Local Government Board so certifies a loan to be required, that Board, or the person so appointed, may, by any instrument duly executed, charge the local rate with the repayment of the principal and interest due in respect of the loan, and every such charge shall have the same effect as if the commissioners of sewers were em-

powered to raise the loan on the security of the local rate, and had duly executed an instrument charging the same on that rate.

(7.) Any principal money or interest for the time being due in respect of a loan under this section shall be a debt due from the commissioners of sewers, and, in addition to any other remedies, may be recovered in the manner in which a debt due from those commissioners may be recovered in pursuance of this section.

(8.) The surplus (if any) of any such loan, after payment of the expenses aforesaid, shall, on the amount thereof being certified by the Local Government Board, be paid to or to the order of the commissioners of sewers.

(9.) "Expenses," for the purposes of this section, shall include all sums payable under this section by or by the order of the Local Government Board, or the person appointed by that Board.

Saving Clauses.

136. Saving for water rights.] Nothing in this Act shall be construed to authorise any sanitary authority to injuriously affect the navigation of any river or canal, or to divert or diminish any supply of water of right belonging to any river or canal; or to injuriously affect any reservoir, canal, river, or stream, or the feeders thereof, or the supply, quality, or fall of water, contained in any reservoir, canal, river, stream, or in the feeders thereof, in cases where any person would, if this Act had not been passed, have been entitled by law to prevent or be relieved against the injuriously affecting of such reservoir, canal, river, stream, feeders, or such supply, quality, or fall of water, unless the sanitary authority first obtain the consent in writing of the person so entitled as aforesaid.

137. Saving for Thames Conservators.] Nothing in this Act shall affect any power of the Conservators of the Thames under the Thames Navigation Act, 1870, 33 & 34 Vict. c. cxlix, or otherwise.

138. Powers of Act to be cumulative.] All powers, rights, and remedies given by this Act shall be in addition to and not in derogation of any other powers, rights, and remedies conferred by any Act of Parliament, law, or custom, and all such other powers, rights, and remedies may be exercised and put in force in the same manner and by the same authority as if this Act had not passed.

Temporary Provisions.

139. Existing officers.] In the case of any medical officer of health or inspector of nuisances who holds office under an appointment made before the commencement of this Act (in this section referred to as an existing officer), the provisions of this Act with respect to his salary and tenure of office shall be qualified as follows; that is to say,

(a.) Where a portion of his salary is paid by the county council out of the Exchequer contribution account, the Local Government Board shall have the same powers as they have in the case of a district medical officer of a poor law union with regard to the qualification, appointment, duties, salary, and tenure of office of such officer;

(b.) In any other case the Local Government Board may prescribe the qualification and duties of a medical officer of health;

(c.) Subject to the said powers of the Local Government Board, the sanitary authority may make such payments as they think fit on account of the remuneration and expenses of such officer, and every such officer shall be removable by the sanitary authority at their pleasure;

(d.) Every such inspector of nuisances shall be called a sanitary inspector.

(2.) The requirements of this Act with respect to the qualification of medical officers shall not apply to medical officers appointed before the first day of January one thousand eight hundred and ninety-two; and this Act shall not prevent any person who at the commencement of this Act is both a district medical officer of a union and a medical officer of health from continuing to hold those appointments in like manner as if this Act had not been passed.

140. Term of office of existing members of Woolwich board.] Those members of the Woolwich Local Board whose term of office, if this Act had not been passed, would have expired in the month

of August in any year, shall go out of office on the fifteenth day of April in the same year.

Interpretation.

141. Interpretation of terms.] In this Act, unless the context otherwise requires,—

The expression "London" means the administrative county of London;

The expression "county council" means the London County Council;

The expression "the Metropolitan Asylum Managers" means the Managers of the Metropolitan Asylum District;

The expression "street" includes any highway, and any public bridge, and any road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not, and whether or not there are houses in such street;

The expression "premises" includes messuages, buildings, lands, easements, and hereditaments of any tenure, whether open or enclosed, whether built on or not, and whether public or private, and whether maintained or not under statutory authority;

The expression "house" includes schools, also factories and other buildings in which persons are employed;

The expressions "building" and "house" respectively include the curtilage of a building or house, and include a building or house wholly or partly erected under statutory authority;

The expression "bakehouse" means any place in which are baked bread, biscuits, or confectionery, from the baking or selling of which a profit is derived;

The expression "vessel" includes a boat and every description of vessel used in navigation;

The expression "hospital" means any premises or vessels for the reception of the sick, whether permanently or temporarily applied for that purpose, and includes an asylum of the Metropolitan Asylum Managers;

The expression "master" means in the case of a building or part of a building, a person in occupation of or having the charge, management, or control of the building, or part of the building, and in the case of a house the whole of which is let out in separate tenements, or in the case of a lodging-house the whole of which is let to lodgers, includes the person receiving the rent payable by the tenants or lodgers either on his own account or as the agent of another person, and in the case of a vessel means the master or other person in charge thereof;

The expression "house refuse" means ashes, cinders, breeze, rubbish, night-soil, and filth, but does not include trade refuse;

The expression "trade refuse" means the refuse of any trade, manufacture, or business, or of any building materials;

The expression "street refuse" means dust, dirt, rubbish, mud, road-scrappings, ice, snow, and filth;

The expression "owner" means the person for the time being receiving the rackrent of the premises in connexion with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such premises were let at a rackrent;

The expression "rackrent" means rent which is not less than two-thirds of the full annual value of the premises out of which the rent arises; and the full annual value shall be taken to be the annual rent which a tenant might reasonably be expected, taking one year with another, to pay for the premises, if the tenant undertook to pay all usual tenant's rates and taxes, and title commutation rent-charge (if any) and if the landlord undertook to bear the cost of the repairs, and insurance, and the other expenses (if any) necessary to maintain the premises in a state to command such rent;

The expression "slaughterer of cattle or horses" means a person whose business it is to kill any description of cattle, or horses, asses, or mules, for the purpose of the flesh being used as butcher's meat; and the expression "slaughter-house" means any building or place used for the purpose of such business;

The expression "knacker" means a person whose business it is to kill any horse, ass, mule, or cattle which is not killed for the purpose of the flesh being used as butcher's meat; and the expression "knacker's yard" means any building or place used for the purpose of such business:

The expression "cattle" includes sheep, goats, and swine:

The expression "source of water supply" means any stream, reservoir, aqueduct, pond, well, tank, cistern, pump, fountain, or other work or means for the supply of water, whether actually used or capable of being used for the supply of water or not:

The expression "sanitary convenience" includes urinals, water-closets, earth closets, privies, and any similar conveniences:

The expression "day" means the period between six o'clock in the morning and the succeeding nine o'clock in the evening:

The expression "ashpit" means any ashpit, dust-bin, ash-tub, or other receptacle for the deposit of ashes or refuse matter:

The expression "cistern" includes a water-but:

The expression "dairy" includes any farm, farmhouse, cowshed, milk-store, milk-shop, or other place from which milk is supplied, or in which milk is kept for purposes of sale:

The expression "dairyman" includes any cow-keeper, purveyor of milk, or occupier of a dairy.

Repeal.

142. Repeal of enactments in schedule.] (1.) The Acts specified in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule, and shall be so repealed as from the date in that schedule mentioned and where no date is mentioned as from the commencement of this Act;

(2.) Provided that—

(a) where any enactment in the said schedule extends beyond London, such enactment shall not, unless otherwise expressed, be deemed to be hereby repealed, so far as it applies beyond London;

(b) all securities given under and all orders, bye-laws, rules, regulations, and notices duly made or issued under or having effect in pursuance of any Act hereby repealed shall be of the same validity and effect as if they had been given, made, or issued under this Act, and any penalties recoverable under any such order, byelaw, rule, regulation, or notice may be recovered as if they were imposed by byelaws under this Act.

(3.) Where the county council or a sanitary authority are required by this Act to make byelaws for any purpose for which there are no byelaws of the council or authority in force at the commencement of this Act, the first byelaws made by the county council or sanitary authority for that purpose under this Act shall be submitted to the Local Government Board for sanction not later than six months after the commencement of this Act.

(4.) Any enactment expressed in the Fourth Schedule to this Act to be repealed as from the coming into operation of any byelaw made for the like object shall, although no such byelaw is made, be repealed on the expiration of twelve months next after the commencement of this Act, or such later day, not exceeding eighteen months from such commencement, as may be fixed by Order in Council.

(5.) For the removal of doubts it is hereby declared that so much of the Public Health Act, 1875 [38 & 39 Vict. c. 55], as re-enacts sections fifty-one and fifty-two of the Sanitary Act, 1866 [29 & 30 Vict. c. 90], and sections thirty-four to thirty-six of the Public Health Act, 1872 [35 & 36 Vict. c. 79], extends to London.

(6.) Officers appointed under any enactment hereby repealed shall continue in office in like manner as if they were appointed in pursuance of this Act, subject nevertheless to the provisions of this Act respecting existing officers.

(7.) Where in any enactment or in any order made by a Secretary of State or by the Local Government Board, and in force at the time of the passing of this Act, or in any document, any Act or any provisions of an Act are mentioned or referred to which relate to London and are repealed by this Act, such enact-

ment, order, or document shall be read as if this Act or the corresponding provisions of this Act were therein mentioned or referred to instead of such repealed provisions, and as if a sanitary authority under this Act were substituted for any nuisance authority mentioned in such repealed provisions.

143. Commencement of Act.] This Act shall come into operation on the first day of January next after the passing thereof.

144. Short Title.] This Act may be cited as the Public Health (London) Act, 1891.

SCHEDULES.

FIRST SCHEDULE.

ENACTMENTS APPLIED.

Section 33 of the Metropolis Water Act, 1871
[34 & 35 Vict. c. 113.]

33. Absence of proper water fittings in premises to be a nuisance.] The absence in respect of any premises of the prescribed fittings after the prescribed time shall be a nuisance, within section 11 and sections 12—19 (inclusive) of the Nuisances Removal Act for England, 1855, and within all provisions of the same or any other Act applying, amending, or otherwise relating to those sections; and that nuisance, if in any case proved to exist, shall be presumed to be such as to render the premises unfit for human habitation within section 13 of the Nuisances Removal Act for England, 1855, unless and until the contrary is shown to the satisfaction of the justices acting under that section.

Sections 108 and 115 of the Public Health Act, 1875 [38 & 39 Vict. c. 55], relating to Nuisances out of the District.

108. Power to proceed where cause of nuisance arises without district.] Where a nuisance under this Act within the district of a local authority appears to be wholly or partially caused by some act or default committed or taking place without their district, the local authority may take or cause to be taken against any person in respect of such act or default any proceedings in relation to nuisances by this Act authorised, with the same incidents and consequences, as if such act or default were committed or took place wholly within their district; so, however, that summary proceedings shall in no case be taken otherwise than before a court having jurisdiction in the district where the act or default is alleged to be committed or take place.

This section shall extend to the metropolis so far as to authorise proceedings to be taken under it by any nuisance authority in the metropolis in respect of any nuisance within the area of their jurisdiction caused by an act or default committed or taking place within the district of a local authority under this Act; or by any such local authority in respect of any nuisance within their district caused by an act or default committed or taking place within the jurisdiction of any such nuisance authority.

115. Power to proceed where nuisance arises from offensive trade carried on without district.] Where any house, building, manufactory, or place which is certified in pursuance of the last preceding section to be a nuisance or injurious to the health of any of the inhabitants of the district of an urban authority is situated without such district, such urban authority may take or cause to be taken any proceedings by that section authorised in respect of the matters alleged in the certificate, with the same incidents and consequences as if the house, building, manufactory, or place were situated within such district; so, however, that summary proceedings shall not in any case be had otherwise than before a court having jurisdiction in the district where the house, building, manufactory, or place is situated.

This section shall extend to the metropolis so far as to authorise proceedings to be taken under it by any nuisance authority in the metropolis in respect of any house, building, manufactory, or place which is certified as aforesaid to be a nuisance or injurious to the health of any of the inhabitants within the area of their jurisdiction, and is situated within the district of a local authority under this Act; or by any urban authority in respect of any house, building, manufactory, or place which is certified as aforesaid to be a nuisance or injurious to the health of any of the inhabitants of their district, and is situated within the jurisdiction of any such nuisance authority.

Sections 130, 134, 135, and 140 of the Public Health Act, 1875 [38 & 39 Vict. c. 55], and section 2 of the Public Health Act, 1889 [52 & 53 Vict. c. 64], relating to regulations and orders of the Local Government Board with respect to cholera, or other epidemic, endemic, or infectious diseases.

130. Power of Local Government Board to make regulations.] The Local Government Board may from time to time make, alter, and revoke such regulations as to the said Board may seem fit, with a view to the treatment of persons affected with cholera, or any other epidemic, endemic, or infectious disease, and preventing the spread of cholera and such other diseases as well on the seas, rivers, and waters of the United Kingdom, and on the high seas within three miles of the coasts thereof, as on land; and may declare by what authority or authorities such regulations shall be enforced and executed. Regulations so made shall be published in the "London Gazette," and such publication shall be for all purposes conclusive evidence of such regulations.

Any person wilfully neglecting or refusing to obey or carry out or obstructing the execution of any regulation made under this section shall be liable to a penalty not exceeding fifty pounds.

2. Explanation of powers of Local Government Board to make regulations.] (1.) Regulations of the Local Government Board made in relation to cholera and choleraic diarrhoea in pursuance of section one hundred and thirty of the Public Health Act, 1875, may provide for such regulations being enforced and executed by the officers of Customs as well as by other authorities and officers, and without prejudice to the generality of the powers conferred by the said section may provide for the detention of vessels and of persons on board vessels, and for the duties to be performed by pilots, masters of vessels, and other persons on board vessels;

(2.) Provided that the regulations, so far as they apply to the officers of Customs, shall be subject to the consent of the Commissioners of Her Majesty's Customs;

(3.) The officers of Customs, for the purpose of the execution of any powers and duties under the said regulations, may exercise any powers conferred on such officers by any other Act.

134. Power of Local Government Board to make regulations for prevention of diseases.] Whenever any part of England appears to be threatened with or is affected by any formidable epidemic, endemic, or infectious disease, the Local Government Board may make and from time to time alter and revoke regulations for all or any of the following purposes; (namely,)

(1.) For the speedy interment of the dead; and

(2.) For house to house visitation; and

(3.) For the provision of medical aid and accommodation, for the promotion of cleansing, ventilation, and disinfection, and for guarding against the spread of disease;

and may by order declare all or any of the regulations so made to be in force within the whole or any part or parts of the district of any local authority, and to apply to any vessels, whether on inland waters or on arms or parts of the sea within the jurisdiction of the Lord High Admiral of the United Kingdom or the commissioners for executing the office of the Lord High Admiral for the time being, for the period in such order mentioned; and may by any subsequent order abridge or extend such period.

135. Publication of regulations and orders.] All regulations and orders so made by the Local Government Board shall be published in the London Gazette, and such publication shall be conclusive evidence thereof for all purposes.

140. Penalty for violating or obstructing the execution of regulations.] Any person who—

(1.) Wilfully violates any regulation so issued by the Local Government Board as aforesaid; or

(2.) Wilfully obstructs any person acting under the authority or in the execution of any such regulation,

shall be liable to a penalty not exceeding five pounds.

Sections 182—186 of the Public Health Act, 1875, 38 & 39 Vict. c. 55, relating to byelaws.

182. Authentication and alteration of byelaws.] All byelaws made by a local authority under and for the purposes of this Act shall be under their common seal; and any such byelaw may be altered or repealed by a subsequent byelaw made pursuant to

the provisions of this Act: Provided that no byelaw made under this Act by a local authority shall be of any effect if repugnant to the laws of England or to the provisions of this Act.

183. Power to impose penalties on breach of byelaws.] Any local authority may, by any byelaws made by them under this Act, impose on offenders against the same such reasonable penalties as they think fit, not exceeding the sum of five pounds for each offence, and in the case of a continuing offence a further penalty not exceeding forty shillings for each day after written notice of the offence from the local authority; but all such byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty.

184. Confirmation of byelaws.] Byelaws made by a local authority under this Act shall not take effect unless and until they have been submitted to, and confirmed by, the Local Government Board, which Board is hereby empowered to allow or disallow the same as it may think proper; nor shall any such byelaws be confirmed—

Unless notice of intention to apply for confirmation of the same has been given in one or more of the local newspapers circulated within the district to which such byelaws relate, one month at least before the making of such application; and

Unless for one month at least before any such application a copy of the proposed byelaws has been kept at the office of the local authority, and has been open during office hours thereat to the inspection of the ratepayers of the district to which such byelaws relate, without fee or reward.

The clerk of the local authority shall, on the application of any such ratepayer, furnish him with a copy of such proposed byelaws or any part thereof, on payment of sixpence for every hundred words contained in such copy.

A byelaw required to be confirmed by the Local Government Board shall not require confirmation, allowance, or approval by any other authority.

185. Byelaws to be printed, &c.] All byelaws made by a local authority under this Act, or for purposes the same as, or similar to, those of this Act under any local Act, shall be printed and hung up in the office of such authority; and a copy thereof shall be delivered to any ratepayer of the district to which such byelaws relate, on his application for the same.

186. Evidence of byelaws.] A copy of any byelaws made under this Act by a local authority, signed and certified by the clerk of such authority to be a true copy and to have been duly confirmed, shall be evidence, until the contrary is proved, in all legal proceedings of the due making, confirmation, and existence of such byelaws without further or other proof.

Sections 293-296 of the Public Health Act, 1875 [38 & 39 Vict. c. 55] relating to Inquiries of the Local Government Board.

293. Power of Board to direct inquiries.] The Local Government Board may from time to time cause to be made such inquiries as are directed by this Act, and such inquiries as they see fit in relation to any matters concerning the public health in any place, or any matters with respect to which their sanction, approval or consent is required by this Act.

294. Orders as to costs of inquiries.] The Local Government Board may make orders as to the costs of inquiries or proceedings instituted by, or of appeals to, the said Board under this Act, and as to the parties by whom or the rates out of which such costs shall be borne; and every such order may be made a rule of one of the superior courts of law on the application of any person named therein.

295. Orders of Board under this Act.] All orders made by the Local Government Board in pursuance of this Act shall be binding and conclusive in respect of the matters to which they refer, and shall be published in such manner as that Board may direct.

296. Powers of Inspectors of Local Government Board.] Inspectors of the Local Government Board shall, for the purposes of any inquiry directed by the Board, have in relation to witnesses and their

examination, the production of papers and accounts, and the inspection of places and matters required to be inspected, similar powers to those which poor law inspectors have under the Acts relating to the relief of the poor for the purposes of those Acts.

Sections 211 and 212 of the Metropolis Management Act, 1855, 18 & 19 Vict. c. 120, relating to Appeals to London County Council.

211.—Power to appeal against orders and acts of vestries and district boards in relation to construction of works.—Any person who deems himself aggrieved by any order of any vestry or district board in relation to the level of any building, or any order or act of any vestry or district board in relation to the construction, repair, alteration, stopping, or filling up, or demolition of any building, sewer, drain, may, within seven days after notice of any such order to the occupier of the premises affected thereby, or after such act, appeal to the county council against the same; and all such appeals shall stand referred to the committee appointed by such council for hearing appeals as herein provided; and such committee shall hear and determine all such appeals, and may order any costs of such appeals to be paid to or by the vestry or district board by or to the party appealing, and may, where they see fit, award any compensation in respect of any act done by any such vestry or district board in relation to the matters aforesaid; provided that no such compensation shall be awarded in respect of any such act which may have been done under any of the provisions of this Act on any default to comply with any such order as aforesaid, unless the appeal be lodged within seven days after notice of such order has been given to the occupier of the premises to which the same relates.

212. County council to appoint a committee for hearing appeals.] The county council shall appoint a committee for the purpose of hearing all such appeals as may be made to the said council as aforesaid, which committee shall have power to hear and decide all such appeals, and the county council shall from time to time fill up any vacancy in such committee, and the chairman of the said council shall, by virtue of his office of chairman, be a member of the said committee in addition to the members appointed by the said council, and shall preside at all meetings of such committee at which he is present; and in case of a vacancy in the office of such chairman, or in his absence, some other member of the committee shall be chosen to preside; and all the powers of such committee may be exercised by any three of them; and any member of such committee may at any time resign his office.

SECOND SCHEDULE.

PROVISIONS OF PUBLIC HEALTH ACTS EXTENDED TO WOOLWICH.

Enactments.	Subject Matter.
38 & 39 Vict. c. 55.:	
Section four	Definitions.
Sections five to eight, ten, and twelve.	Authorities for execution of Act.
Sections thirteen to thirty-four.	Sewerage and drainage.
Section forty-one, so far as it relates to a drain.	Examination and enforcement of law, as to drain.
Sections fifty-one to sixty-one, sixty-three, and sixty-five.	Water supply
Sections one hundred and forty-four to one hundred and forty-eight.	Highways.
Sections one hundred and forty-nine to one hundred and fifty-five, and one hundred and fifty-seven to one hundred and sixty.	Streets and buildings.
Sections one hundred and sixty-one to one hundred and sixty-three.	Lighting streets.
Sections one hundred	Public pleasure grounds

Enactments.	Subject Matter.
and sixty-four and one hundred and sixty-five.	and clocks.
Sections one hundred and sixty-six to one hundred and sixty-eight.	Markets.
Section one hundred and seventy-two.	Licensing of, and byelaws for, horses, boats, &c. let for hire.
Sections one hundred and seventy-three and one hundred and seventy-four.	Contracts.
Sections one hundred and seventy-five to one hundred and seventy-eight.	Purchase of land.
Sections one hundred and seventy-nine to one hundred and eighty-one.	Arbitration.
Sections one hundred and eighty-two to one hundred and eighty-six, and one hundred and eighty-eight.	Byelaws.
Sections one hundred and eighty-nine, and one hundred and ninety-two to one hundred and ninety-six.	Officers.
Sections one hundred and ninety-seven, one hundred and ninety-nine, two hundred, and two hundred and three to two hundred and six.	Mode of conducting business.
Sections two hundred and seven, and two hundred and nine to two hundred and twenty-seven.	Expenses and rates.
Sections two hundred and thirty-three to two hundred and forty-three.	Borrowing.
Sections two hundred and forty-five, two hundred and forty-seven, two hundred and forty-nine, and two hundred and fifty.	Audit.
Sections two hundred and fifty-one, two hundred and fifty-three, two hundred and fifty-four, and two hundred and fifty-six to two hundred and sixty-nine.	Legal proceedings.
Section two hundred and eighty-five.	Works outside district.
Sections two hundred and ninety-three to three hundred and four.	Powers of Local Government Board.
Sections three hundred and five to three hundred and eleven, and three hundred and thirteen to three hundred and seventeen.	Miscellaneous.
Sections three hundred and twenty-seven to three hundred and thirty-seven, and three hundred and thirty-nine to three hundred and forty-one.	Saving clauses.
The schedules so far as they are applicable.	—
45 & 46 Vict. c. 23.	Byelaws for fruit pickers' lodgings.
46 & 47 Vict. c. 37.	Support of sewers.

Enactments.	Subject Matter.
47 & 48 Vict. c. 12.-	Confirmation of bylaws.
47 & 48 Vict. c. 74.-	Officers.
48 & 49 Vict. c. 53.-	Members and Officers of local authority.
51 & 52 Vict. c. 52.-	Buildings in streets.
53 & 54 Vict. c. 17.-	Rating of Orchards.

THIRD SCHEDULE.

FORMS.

FORM A.

Form of Notice requiring Abatement of Nuisance.

To [person causing the nuisance, or owner or occupier of the premises at which the nuisance exists, as the case may be].

Take notice that under the provisions of the Public Health (London) Act, 1891, the [describe the sanitary authority], being satisfied of the existence at [describe premises where the nuisance exists] of a nuisance being [describe the nuisance, for instance, premises in such a state as to be a nuisance or injurious or dangerous to health, or for further instance, a ditch or drain so foul as to be a nuisance or injurious or dangerous to health], do hereby require you within [specify the time] from the service of this notice to abate the same [and to execute such works and do such things as may be necessary for that purpose, or and for that purpose to specify any works to be executed], [and the said [authority] do hereby require you within the said period to do what is necessary for preventing the recurrence of the nuisance, and for that purpose to, &c.].

Where the nuisance has been abated, but is likely to recur, say, being satisfied that at &c. there existed recently to wit, on or about the day of [specify the day] the following nuisance, namely [describe nuisance], and that although the said nuisance has since the last-mentioned day been abated, the same is likely to recur at the said premises, do hereby require you within [specify time], to do what is necessary for preventing the recurrence of the nuisance [and for that purpose to &c.].

If you make default in complying with the requisitions of this notice [or if the said nuisance, though abated, is likely to recur], a summons will be issued requiring your attendance before a petty sessional court, to answer a complaint which will be made for the purpose of enforcing the abatement of the nuisance, or prohibiting the recurrence thereof, or both, and for recovering the costs and penalties that may be incurred thereby.

Dated this [specify the day] day of [specify the month] 18 [specify the year].
Signature of officer
of sanitary authority

FORM B.

Form of Summons.

To A.B., of [specify the premises] [or to the owner or occupier of] [describe premises] situated [insert such description of the situation as may be sufficient to identify the premises].

You are required to appear before [specify the petty sessional court], at the court [or petty sessions] holden at [specify the place] on the [specify the day] day of [specify the month] next at the hour of [specify the hour] in the noon, to answer the complaint this day

made to me by [specify the person] that at the premises above mentioned [or at certain premises situated at No. [specify the number] in [specify the street] in the parish of [specify the parish] or insert any other such description or reference as may be sufficient to identify the premises], in the district of [describe the sanitary authority], the following nuisance exists [describe the nuisance and add, where the person causing the nuisance is summoned, and that the said nuisance is caused by the act, default, or sufferance of you, A.B.].

Where the nuisance is discontinued, but is likely to be repeated, say, to answer the complaint &c. that &c. there existed recently, to wit, on or about the day of [specify the day] the following nuisance [describe the nuisance, and add, where the person causing the nuisance is summoned, and that the said nuisance was caused, &c.], and although the said nuisance has since the said last-mentioned day been abated or discontinued, that the same or the like nuisance is likely to recur at the said premises.

Given under my hand and seal this [specify the day] day of [specify the month] 18 [specify the year].

J.S. (L.S.)

FORM C.

Form of Nuisance Order.

To A.B., of [specify the premises] [or to the owner or occupier of] [describe premises] situated [insert such description of the situation as may be sufficient to identify the premises].

County of &c., } WHEREAS the said A.B. or the to wit. } owner or occupier of the said premises within the meaning of the Public Health (London) Act, 1891, has this day appeared before me or us, [describing the court], to answer the matter of a complaint made by &c. that at &c. [follow the words of complaint in summons] [or in case the party charged do not appear, say, Whereas it has been now proved to my (or our) satisfaction that a summons has been duly served according to the Public Health (London) Act, 1891, requiring the said A.B. [or the owner or occupier of the said premises] to appear this day before me [or us] to answer the matter of a complaint made by &c. that at &c.]:

[Any of the following orders may be made or a combination of any of them as the case seems to require.]

Abatement Order.—Now on proof here had before me (or us) that the nuisance so complained of does exist at the said premises [add, where the order is made on the person causing the nuisance, and that the same is caused by the act, default, or sufferance of A.B.], I [or we], in pursuance of the Public Health (London) Act, 1891, do order the said A.B. [or the said owner or occupier] within [specify the time] from the service of this order according to the said Act [here specify the nuisance to be abated, as, for instance, to prevent the premises being a nuisance or injurious or dangerous to health or, for further instance, to prevent the ditch or drain being a nuisance or injurious or dangerous to health] and state any works to be executed, as, for instance, to whitewash and disinfect the premises, or, for further instance, to clean out the ditch].

Prohibition Order, No. 1.—And I [or we] being satisfied that, notwithstanding the said nuisance may be temporarily abated under this order, the same is likely to recur, do therefore prohibit the said A.B. [or the said owner or occupier] from allowing the recurrence of the said or a like nuisance [and for that purpose I or we direct the said A.B. or the said owner or occupier, here specify any works to be executed, as, for instance, to fill up the ditch].

Prohibition Order, No. 2.—Now, on proof here had before me [or us] that at or recently before the time of making the said complaint, to wit, on [specify the day] the nuisance so complained of did exist at the said premises, but that the same has

since been abated [add, where the order is made on the person causing the nuisance, and that the nuisance was caused by the act, default, or sufferance of A.B.] yet, notwithstanding such abatement, I [or we] being satisfied that it is likely that the same or the like nuisance will recur at the said premises, do therefore prohibit [continue as in Prohibition Order, No. 1].

Closing Order.—Now, on proof here had before me [or us] that the nuisance is such as to render the dwelling-house [describe the house] situated at [insert such a description of the situation as may be sufficient to identify the dwelling-house] unfit in my [or our] judgment for human habitation, I [or we] in pursuance of the Public Health (London) Act, 1891, do hereby prohibit the use of the said dwelling-house for human habitation.

Given under the hand and seal of me [or the hands and seals of us, describing the court].

This [specify the day] day of [specify the month] 18 [specify the year].
J.S. (L.S.)
J.P. (L.S.)

FORM D.

Form of Nuisance Order to be executed by Sanitary Authority.

To the

[describe the sanitary authority],

County of &c., } WHEREAS a complaint has been made to wit. }

by [specify the person] that at certain premises situated at No. [specify the number] in [specify the street], in the parish of [specify the parish]

[or insert any other description or reference as may be sufficient to identify the premises] in the district of [describe the sanitary authority] the following nuisance exists [describe the nuisance].

And it has been now proved to my [or our] satisfaction that such nuisance exists, but that no owner or occupier of the premises, or person by whose act, default, or sufferance the nuisance is caused, is known or can be found [as the case may be]; Now I [or we] in pursuance of the Public Health (London) Act, 1891, do [continue as in any of the orders in Form C. with the substitution of the name of the sanitary authority for that of A.B. or the owner or occupier].

Given &c. (as in last form).

FORM E.

Warrant of Justice for Entry to Premises.

WHEREAS A.B., being a person authorised under the Public Health (London) Act, 1891, to enter certain premises [describe the premises], has made application to me, C.D., one of Her Majesty's justices of the peace having jurisdiction in and for [describe the place], to authorise the said A.B. to enter the said premises, and whereas I, C.D., am satisfied by information on oath that there is reasonable ground for such entry, and that there has been a refusal or failure to admit to such premises, and either that reasonable notice of the intention to apply to a justice for a warrant has been given, or that the giving of notice of the intention to apply to a justice for a warrant would defeat the object of the entry.

[or am satisfied by information on oath that there is reasonable cause to believe that there is on the said premises a contravention of the Public Health (London) Act, 1891, or of a bylaw made under that Act, and that an application for admission or notice of application for a warrant would defeat the object of the entry.]

Now, therefore, I, the said C.D., do hereby authorise the said A.B. to enter the said premises, and if need be by force, with such assistants as he may require, and there execute his duties under the said Act.

Given, &c. (as in last form).

FOURTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
26 Geo. 3, c. 71	An Act for regulating houses and other places kept for the purpose of slaughtering horses.	The whole Act.
57 Geo. 3, c. xxix.	An Act for better Paving, Improving, and Regulating the Streets of the Metropolis, and Removing and Preventing Nuisances and Obstructions therein.	Section fifty-seven so far as it relates to a cesspool; sections fifty-nine to sixty-one; section sixty-three; section sixty-four from "or shall throw" to "either of such pavements" as from the coming into operation of any bye-law made for the like object; sections sixty-seven and sixty-eight; and sections seventy-three and seventy-four as from the coming into operation of any bylaw made for the like object.

Session and Chapter.	Title or Short Chapter.	Extent of Repeal.
2 & 3 Vict. c. 47	An Act for further improving the police in and near the metropolis.	Section sixty, from "or cause any offensive matter" to "so as to be a common nuisance," as from the coming into operation of any byelaw made for the like object; and from "every occupier of a house" to "to reference to this enactment."
7 & 8 Vict. c. 87	An Act to amend the law for regulating places kept for slaughtering horses.	The whole Act.
16 & 17 Vict. c. 128	An Act to abate the Nuisance arising from the smoke of Furnaces in the Metropolis and from Steam Vessels above London Bridge.	The whole Act as respects all places without as well as within London.
18 & 19 Vict. c. 116	The Diseases Prevention Act, 1855.	The whole Act.
18 & 19 Vict. c. 120	The Metropolis Management Act, 1855.	Section eighty-one; sections eighty-two to eighty-five, except so far as they relate to a drain or sewer, or any work or apparatus connected therewith; section eighty-six down to "defrayed under this Act"; sections eighty-eight, one hundred and three, and one hundred and four; section one hundred and sixteen from "and also to cause" to the end of the section; sections one hundred and seventeen and one hundred and twenty-five; section one hundred and twenty-six, as from the coming into operation of any byelaw made for the like object; sections one hundred and twenty-seven to one hundred and twenty-nine, one hundred and thirty-two, one hundred and thirty-three, and one hundred and thirty-four; section one hundred and ninety-eight from "and to every such report" to "for their parish or district"; section two hundred and two from "for the emptying" to "disposing of refuse" as from the coming into operation of any byelaw made for the like object, and; section two hundred and eleven so far as regards any water-closet, privy, ashpit, or cesspool.
18 & 19 Vict. c. 121	The Nuisances Removal Act for England, 1855.	The whole Act.
19 & 20 Vict. c. 107	An Act to amend the Smoke Nuisance Abatement (Metropolis) Act, 1853.	The whole Act as respects all places without as well as within London.
23 & 24 Vict. c. 77	An Act to amend the Acts for the Removal of Nuisances and the Prevention of Diseases.	The whole Act.
25 & 26 Vict. c. 102	The Metropolis Management Amendment Act, 1862.	Sections forty-three and sixty-two; in section sixty-four the word "eighty-first," and the words "and eighty-sixth"; sections sixty-seven, seventy, eighty-nine, ninety-one, ninety-three, ninety-four, and ninety-five; and section one hundred and five, from "and all penalties" to "1855."
26 & 27 Vict. c. 117	The Nuisances Removal Act for England (Amendment) Act, 1863.	The whole Act.
29 & 30 Vict. c. 41	The Nuisances Removal (No. 1) Act, 1866.	The whole Act except section forty-one.
29 & 30 Vict. c. 90	The Sanitary Act, 1866.	The whole Act.
31 & 32 Vict. c. 115	The Sanitary Act, 1866.	The whole Act.
32 & 33 Vict. c. 100	The Sanitary Loans Act, 1869.	The whole Act.
33 & 34 Vict. c. 53	The Sanitary Act, 1870.	The whole Act.
35 & 36 Vict. c. 79	The Public Health Act, 1872.	The whole Act.
37 & 38 Vict. c. 67	The Slaughterhouses, &c. (Metropolis) Act, 1874.	The whole Act.
37 & 38 Vict. c. 89	The Sanitary Law Amendment Act, 1874.	The whole Act, except so much of sections forty-six and forty-nine as relates to common lodging-houses.
38 & 39 Vict. c. 55	The Public Health Act, 1875.	Section one hundred and eight from "In this section" to the end of the section; section one hundred and fifteen from "in this section" to the end of the section.
41 & 42 Vict. c. 74	The Contagious Diseases (Animals) Act, 1878.	Section two hundred and ninety-one, as respects the whole of the Port of London.
42 & 43 Vict. c. 54	The Poor Law Act, 1879.	Section thirty-four.
43 & 44 Vict. c. lix.	The Local Government Board's Provisional Orders Confirmation (Amersham Union, &c.) Act, 1880.	Sections fifteen and sixteen.
46 & 47 Vict. c. 35	The Diseases Prevention (Metropolis) Act, 1883.	Section two.
46 & 47 Vict. c. 53	The Factory and Workshop Act, 1883.	The whole Act.
47 & 48 Vict. c. 60	The Metropolitan Asylum Board (Borrowing Powers) Act, 1884.	Section seventeen, down to "for the district," being the first two sub-sections.
48 & 49 Vict. c. 72	The Housing of the Working Classes Act, 1885.	The whole Act.
49 & 50 Vict. c. 32	The Contagious Diseases (Animals) Act, 1886.	Section seven; and section nine from "This section shall apply" to "sanitary authority," being subsection (6).
51 & 52 Vict. c. 41	The Local Government Act, 1888.	Section nine.
52 & 53 Vict. c. 56	The Poor Law Act, 1889.	Section forty-five; and section eighty-eight, from "Section one hundred and ninety one" to the end of the section, being subsection (c).
52 & 53 Vict. c. 64	The Public Health Act, 1889.	Section three, down to "common poor fund," being sub-sections (1), (2), and (3); and sections six and seven.
52 & 53 Vict. c. 72	The Infectious Diseases (Notification) Act, 1889.	Section one, from "and as regards" to the end of the section; and in section two the words "or of section fifty-two of the Sanitary Act, 1866."
53 & 54 Vict. c. 34	The Infectious Disease (Prevention) Act, 1890.	Section two, from "to every London" down to "Act and" being sub-section (a); sections ten and twelve; section sixteen, from "the Commissioners of Sewers" down to "Act, 1887," being subsections (a) and (b); and from "The expression 'London district'" down to "local authority is elected."
53 & 54 Vict. c. ccxliii.	The London Council (General Powers) Act, 1890.	Section two, from "Local authority" to the end of the section; section three, from "to every London district" to "this Act; and"; and section five, down to "London district, and."

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